

# RECONSTRUCTION IN NICARAGUA

by

RAYMOND LESLIE BUELL

with the aid of the Research Staff of the Foreign Policy Association

*This report is based in part upon a visit to Central America by Mr. Buell in the summer of 1930.*

## PART I INTRODUCTION

FOR many years the United States has been interested in Nicaragua particularly because of the possibility of constructing an inter-oceanic canal through this country. In the famous Bryan-Chamorro treaty of 1914 Nicaragua granted the United States in perpetuity the "exclusive proprietary rights necessary and convenient" for the construction and operation of such a canal.<sup>1</sup>

The United States has also been interested in Nicaragua because of its proximity to the Panama Canal. The State Department has believed it necessary to forestall possible European intervention to prevent the Nicaraguan canal route from falling into foreign hands—a result which would threaten the American position at Panama.<sup>2</sup>

Fears of foreign intervention have been increased by the recent instability of Nicaraguan governments. While the people of Nicaragua have the reputation of being hard workers, and the Nicaragua intellectuals, who include the famous poet, Rubén Darío, seem to be as highly cultivated as the intellectuals of any Central American country, the history of Nicaragua, which numbers only about 700,000 persons, has been marked for decades by a bitter struggle between the Conservative and Liberal parties.<sup>3</sup> Between 1863 and 1893—the so-called Thirty Years—Nicaragua was

ruled by Conservatives whose position was unshaken by revolution. In 1893, however, a revolt within the Conservative party made it possible for a Liberal, General José Santos Zelaya, to come into power. President Zelaya, who became one of the outstanding Central American dictators, held office until 1910. The previous year a revolution broke out, with the open encouragement of Secretary of State Philander C. Knox.<sup>4</sup> Confronted by the hostility of the United States and of many Nicaraguans, Zelaya resigned, and following a series of events that need not be described here Adolfo Díaz, a Conservative who was in the employ of an American mining concern in Nicaragua, became President in 1911. Thereafter the Conservative party controlled the government until 1929.

Following the revolution of 1909, the United States drew up financial arrangements for Nicaragua to satisfy the claims of foreign bondholders. As a result, the Nicaraguan government agreed to appoint an American collector of customs. It also agreed that American bankers, in return for certain financial aid, should control the Nicaraguan National Bank and the National Railroad.<sup>5</sup>

1. "The United States and the Nicaragua Canal," F. P. A. Information Service, Vol. IV, No. 6, May 25, 1928.

2. Mr. Stimson writes: "The national safety of our own country has . . . imposed upon us a peculiar interest in guarding from foreign influence the vital sea route through the Caribbean Sea and the Panama Canal, and therefore in seeing to it that no cause for foreign intervention may arise along the borders of that route." (H. L. Stimson, *American Policy in Nicaragua*, New York, Scribner, 1927, p. 115.)

3. There are certain differences in principle between the parties, but they seem to be separated mainly by economic and social interests and by family rivalries. The doctrines of the Liberals are set forth in *Catecismo Político Para El Pueblo*, Dr. Leonardo Argüello, León, 1928.

4. In a note of December 1, 1909 Knox declared: "Since the Washington conventions of 1907, it is notorious that President Zelaya has almost continuously kept Central America in tension or turmoil . . . republican institutions have ceased in Nicaragua to exist except in name. . . . Two Americans who, this Government is now convinced, were officers connected with the revolutionary forces, and therefore entitled to be dealt with according to the enlightened practice of civilized nations, have been killed by direct order of President Zelaya. . . . The Government of the United States is convinced that the revolution represents the ideals and the will of a majority of the Nicaraguan people more faithfully than does the Government of President Zelaya. . . ." (United States, *Foreign Relations*, 1909, Washington, Government Printing Office, p. 455.) In this note the United States broke off diplomatic relations but agreed to receive representatives of the revolutionists and of Zelaya unofficially, "pending the establishment in Nicaragua of a Government with which the United States can maintain diplomatic relations." For a reply, cf. J. Santos Zelaya, *Refutación al Presidente Taft*, Brussels, 1911.

5. Cf. "United States Policy in Nicaragua," F. P. A. Information Service, Vol. II, No. 24, February 2, 1927.

American marines—2,600 then being in Nicaragua—succeeded in crushing a revolution against President Adolfo Diaz by the capture of Coyotepe, a rebel stronghold, in 1912. About this time President Diaz requested the United States to station a legation guard in Managua in order to assist “in the maintenance of constitutional order.”<sup>6</sup> This guard, consisting of one hundred American marines, remained continuously in Managua until 1925, and during this period no revolutions occurred.

#### THE CENTRAL AMERICAN RECOGNITION TREATY OF 1923

In accordance with its general policy of encouraging constitutional governments as well as of cooperation in Central America, the United States invited the five republics to a conference at Washington in 1923.<sup>7</sup> The chairman of this conference was Secretary of State Charles Evans Hughes. Here the five governments signed a convention promising not to recognize any government coming into power as a result of a coup d'état or revolution so long as the freely elected representatives of the people had not constitutionally reorganized the country. Even then, no person was to be recognized as President or Vice-President if he had been the leader of a coup d'état or revolution, or was related through blood relationship or marriage to such a leader, and no government was to be recognized which arose from the election of a “citizen expressly and unquestionably disqualified by the constitution of his country as eligible to election as president or vice-president.”<sup>8</sup> Although not a party to the treaty, the United States declared that it had a moral obligation to apply its principles in Nicaragua and elsewhere in Central America.<sup>9</sup>

#### UNITED STATES OFFERS TO ASSIST IN ELECTIONS

Apparently recognizing the connection between revolution and unfair elections, the

United States offered to assist the Conservatives to hold free elections in 1916 and 1920. In both cases the offer was declined.<sup>10</sup> As a result of the 1920 election, Diego Chamorro became President, succeeding his nephew, Emiliano, who had served during the previous four years.<sup>11</sup> The Liberals charged that this election was fraudulent.<sup>12</sup>

After the 1920 election, the Nicaraguan government finally requested the State Department to nominate an expert to assist in revising the electoral law. The State Department thereupon nominated Dr. H. W. Dodds, who completed drafting a new law in October 1922. Following a protest from the State Department, opposition was overcome in the Nicaraguan Congress, and a bill satisfactory to the United States was adopted on March 16, 1923. The first Presidential election under the Dodds law was scheduled for October 1924.

Apparently believing that a fair election would now take place and that it was undesirable to continue indefinitely the maintenance of a legation guard in the country, the State Department in a note of November 14, 1923 informed the Nicaraguan government that this guard would be withdrawn following the installation of a new government on January 1, 1925.<sup>13</sup> In the same note the department declared that it would be glad to obtain American experts to assist the Nicaraguan government in putting the new electoral law into effect, and in organizing and training an efficient constabulary which would assure the maintenance of

10. The 1916 election resulted in the choice of Emiliano Chamorro, joint author of the Bryan-Chamorro treaty. The United States, it is charged, supported the election of Chamorro. (I. J. Cox, *Nicaragua and the United States*, Boston, World Peace Foundation, 1927, p. 721.) Dr. Dana G. Munro adds that at this time the Liberals “unquestionably constituted a majority. . . .” (D. G. Munro, *The Five Republics of Central America*, New York, Oxford University Press, 1918, p. 250.)

11. Emiliano now returned to Washington as Minister. Under the Nicaraguan Constitution a President may not immediately succeed himself. The practice therefore is followed of passing the Presidency from leader to leader. The Opposition declared that the Chamorro family monopolized the government. Seventeen relatives held important posts under the Emiliano Chamorro government. (*Nicaragua Intervenido ante El Pueblo de Centro-America*, Guatemala, 1923, p. 50.) An American, Major Miller, was unofficial observer at the 1920 election.

12. For the protest of the coalition representing the Liberal, Progressive and Unionist parties, cf. *La Coalición ante El Congreso, El Problema electoral de Nicaragua*, Managua, 1920, p. 72.

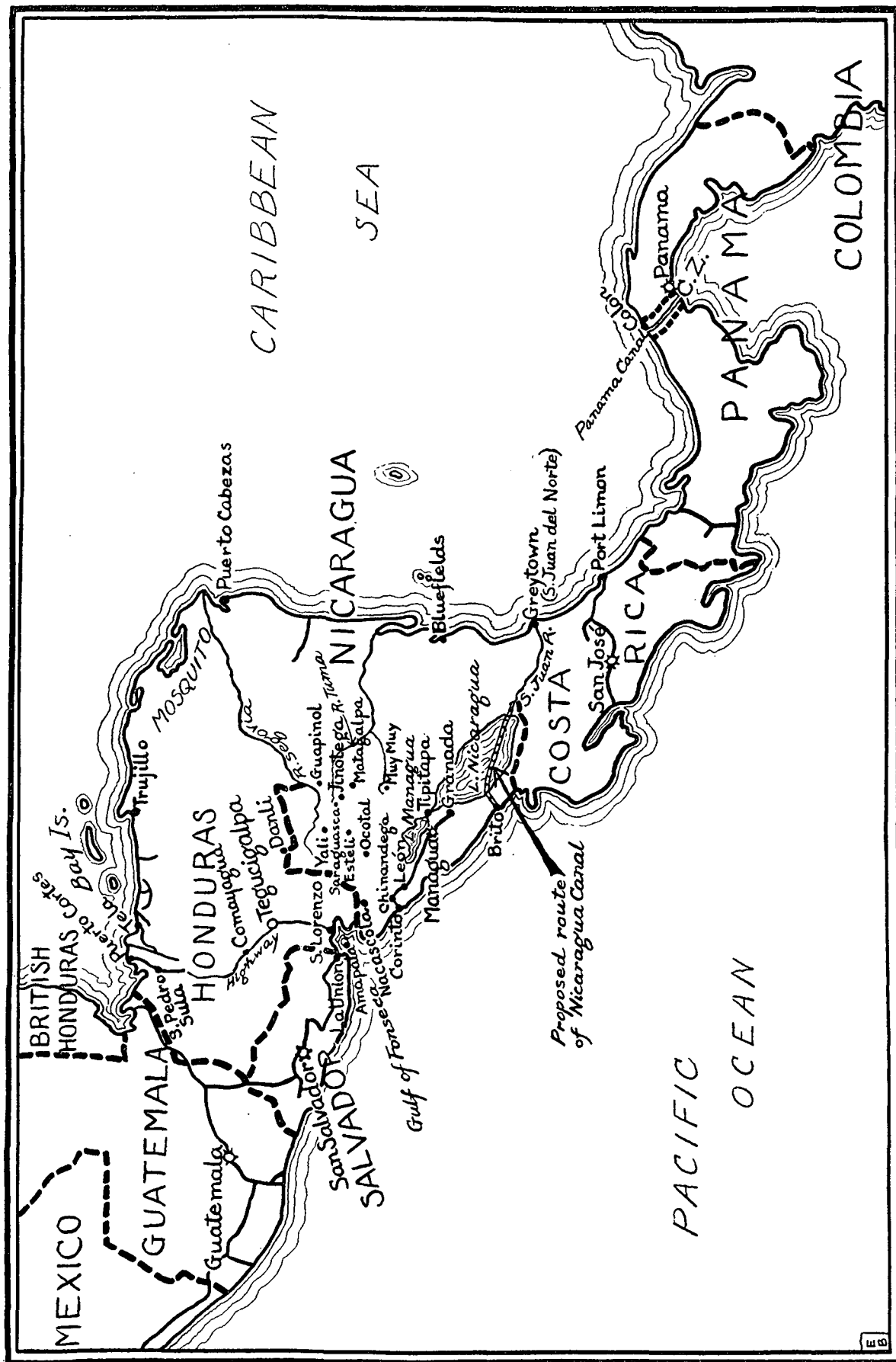
13. Nicaraguan émigrés had been carrying on a campaign against the American legation guard in Nicaragua. Cf. their note to the delegates to the Central American conference, November 15, 1922, *Nicaragua Intervenido ante el Pueblo de Centro-America*, p. 49. On December 19, 1922, Senator Ladd of North Dakota introduced a resolution which was referred to the Committee on Foreign Relations, asking for an investigation of Nicaraguan affairs. *Congressional Record*, Vol. 64, Part I, p. 664.

6. Cf. note of November 14, 1923, first paragraph, *A Brief History of the Relations between the United States and Nicaragua, 1909-1928*, Department of State, Washington, 1928, p. 24. (Hereafter cited as *A Brief History*.) Cf. also *Foreign Relations*, 1912, p. 103, 132.

7. An earlier conference had been held in 1907 at Washington convened by the United States and Mexico.

8. Article II, General Treaty of Peace and Amity, February 7, 1923, *Conference on Central American Affairs*, Washington, Government Printing Office, 1923, p. 289.

9. Message of the President of the United States (Calvin Coolidge), January 10, 1927, p. 2.



THE CENTRAL AMERICAN REPUBLICS

order after the marines were withdrawn. With the installation of a new electoral system and the establishment of a constabulary, "the new government should be in a very strong position indeed." The note closed by stating that the United States would not recognize any government coming into office as a result of revolution.

#### THE SOLORZANO-SACASA COALITION—1924

A month before this note, President Diego Chamorro died. He was succeeded by the Vice-President, Bartolomé Martínez, who was determined that Emiliano Chamorro should not again be elected President.<sup>14</sup> Although the Conservative party nominated Emiliano Chamorro, President Martínez' faction, calling itself the Republican Conservative party, made a coalition agreement with the Liberals. This Coalition nominated Carlos Solorzano, a Conservative, for President, and Juan B. Sacasa, a Liberal, for Vice-President. It was agreed that if elected Solorzano would name a Cabinet composed equally of Conservatives and Liberals, and that the *jefes políticos* of the departments, the members of Congress and the judges should be similarly divided.

Originally President Martínez had accepted the idea that American experts should assist in the 1924 elections as advisers or observers. Assisted by Dr. Dodds and four marines, the government had carried out registrations in the spring of 1924, apparently with a minimum of fraud.<sup>15</sup> Following the establishment of the Coalition, however, the President lost interest in American assistance. After endeavoring vainly to have Congress do so, he issued a decree on September 29, 1924 amending the Dodds election law.<sup>16</sup>

On October 14 the Supreme Court ruled that a Presidential decree could not amend a law and hence was invalid.<sup>17</sup> It also de-

clared that the decree prejudiced the interests of the Chamorro group.<sup>18</sup> The Martínez government, however, ignored this decision. It likewise withdrew its consent to the presence of American observers at the election.<sup>19</sup> It also placed part of the country under martial law and mobilized certain troops. The election was held on October 5 without any form of outside supervision. Out of a total vote of 84,096, the Solorzano-Sacasa ticket received 48,072 votes, General Emiliano Chamorro 28,760, and Dr. Correa, of the Liberal Republican party, 7,264.<sup>20</sup> Liberals declared that the 1924 elections were the "most honest that have been held in our political annals."<sup>21</sup>

#### CONSERVATIVES PROTEST 1924 ELECTIONS

Chamorro followers were convinced that the election had been unconstitutional and unfair. A prominent Conservative wrote that "every sort of violence was perpetrated against the members and candidates of the Conservative party. . . . Although the elections in Nicaragua have never been perfect, there is nothing in its history of one hundred years to compare with the lawlessness and violence employed to secure the election" of the Coalition.<sup>22</sup> He declared that in order to secure the approval of the election returns, the Martínez government had abducted and put into prison representatives of Congress, thus executing a virtual coup d'état.<sup>23</sup>

The United States recognized the Solorzano government, which took office in Jan-

18. For example, Article 15 granted each party in the Coalition separate watchers, which made the Coalition watchers outnumber the *Chamorristas*.

19. This consent was withdrawn on the eve of the departure of the Americans for their posts, after the American authorities had declined the request that the marine observers be sent unarmed and in civilian clothes. (Cf. "The Legation Sentinel," published by the legation guard, November 1924; reprinted in Andrés Murillo, *Sufragio Libre en Nicaragua*, Managua, 1924, p. 113.)

20. *Informes Sobre las Elecciones de Autoridades Supremas, 1924 y 1928*, Managua, 1929, p. 39.

21. *Sufragio Libre en Nicaragua*, cited, p. 23. This book contains a large number of letters from foreigners testifying to the fairness of the 1924 elections. Professor Dodds declared that, "although considerably better than former elections, the election of 1924 was tainted by some of the old fashioned practices." ("The United States and Nicaragua," cited, p. 138.)

22. Carlos Cuadra Pasos, *Recognition of Governments, Case of Nicaragua*, Washington, 1926, p. 8.

23. *Ibid.*, p. 9 *et seq.* The Conservative majority on the National Election Board refused to confirm the elections on the ground that they had been fraudulent. The President then issued a decree appointing a new board, consisting of the old Liberal member and two new members, one of whom was an American, Mr. George Morgan. This new board approved the election returns. (*Informes Sobre las Elecciones de Autoridades Supremas, 1924 y 1928*, cited, p. 5, 7, 39.)

A number of observers, sympathetic to the general idea of withdrawal of the legation guard, believe that the State Department made a serious error in withdrawing the guard in the midst of the tense situation created by this election.

14. Martínez himself originally wished to be elected, but the United States informed him that he would not be recognized, since as Acting President, he was ineligible under the Nicaraguan Constitution. (*A Brief History*, cited, p. 24.)

15. H. W. Dodds, "The United States and Nicaragua," *The Annals*, July 1927, p. 138.

16. It is understood that the American authorities drafted a few amendments to the 1923 law, to remove certain criticisms made by the Liberals. Congress failed to enact these amendments, and President Martínez thereupon enacted the September decree. This decree, however, included provisions which frankly favored the Coalition.

17. "Sentencias," *Boletín Judicial*, October 15, 1924, p. 4412-4421.



uary 1925. Prior to his inauguration President-Elect Solorzano promised to request the United States to assist in the organization of a constabulary to replace the legation guard that was now to be withdrawn. Upon his inauguration Solorzano asked that the United States postpone withdrawal of the marines, planned for that month, until the constabulary could be established. Washington replied that Nicaragua had been given fourteen months' notice of the withdrawal of the marines but had taken no steps to organize the constabulary. Nevertheless it agreed to postpone withdrawal until September if the government would act. Solorzano, however, did not move and in March the department served notice that the marines would be withdrawn at once if the constabulary were not established.<sup>24</sup> The Nicaraguan Congress then passed a law establishing a constabulary of 400 men, and in June it contracted with Major C. B. Carter, formerly of the Philippine constabulary, to serve as instructor. The State Department at this time had no power to detail American army or naval officers to this kind of service, and hence, apart from recommendation of individuals for selection, could not exercise any control over the local constabulary.<sup>25</sup>

#### CHAMORRO EFFECTS A COUP D'ETAT

In August the American legation guard was withdrawn.<sup>26</sup> Nearly three months later, on October 25, supporters of General Chamorro seized the Loma fortress, dominating Managua. The next day President Solorzano and Chamorro signed a pact in which Solorzano promised to dissolve the Coalition and to appoint an exclusively Conservative government. Chamorro was appointed General-in-Chief of the Army and paid \$10,000 for his expenses.<sup>27</sup>

In case of vacancy, the office of Chief Executive of Nicaragua devolves upon the

Vice-President, and in case "of the default of the latter," upon a Designate elected by Congress from among its members.<sup>28</sup> Chamorro was now elected to a vacancy in the Senate, making him eligible for the position of Designate. The Nicaraguan Congress next took three steps which furthered his program: (1) it expelled the eighteen members who had been "fraudulently" elected in 1924, giving the *Chamorristas* a safe majority; (2) it removed Vice-President Sacasa from office (January 12), banishing him for two years; (3) it elected Chamorro as First Designate.

Having little following in the army and being personally weak, Solorzano could not resist these measures. On January 16 he was granted an indefinite leave of absence and on March 14 his resignation as President was accepted. Chamorro now assumed office, believing that he had fulfilled the legal formalities of the Constitution and the 1923 recognition treaty.

The Liberals, however, attacked these moves on the ground that armed guards had prevented legally qualified representatives from taking their seats in Congress when these measures were voted, and that Congress had acted unconstitutionally. They declared that Chamorro could not legally be elected to the Senate (or to the position of First Designate) because at the time he was General-in-Chief of the Army, the two positions being incompatible under the Constitution. They also declared that Congress had no power to remove Sacasa as Vice-President, this authority being vested exclusively in the courts.<sup>29</sup>

#### UNITED STATES WITHHOLDS RECOGNITION OF CHAMORRO

In a letter of January 22, 1926 Secretary Kellogg declared that in view of the 1923 treaty and the desire of the United States to "promote constitutional government and orderly procedure" in Central America, it could not recognize Chamorro, as he had been advised upon several previous occasions.<sup>30</sup> Nevertheless the American customs collector paid over the unassigned customs receipts to the Chamorro government.

28. Articles 101, 84, Paragraph 3, Nicaraguan Constitution.

29. Cf. Articles 78 (paragraph 1), 123 (paragraph 2), of the Constitution; also *Actitud de la minoria liberal*, cited.

30. *A Brief History*, cited, p. 31.

24. *A Brief History*, cited, p. 27, 38.

25. The act of 1926 remedied this defect, cf. p. 331, footnote 5. (Cf. C. B. Carter, "The Kentucky Feud in Nicaragua," *World's Work*, July 1927). Major Carter resigned after the Chamorro coup.

26. Lawrence Denny, *Dollars for Bullets*, Chs. XII, XIII; *Nicaragua and the United States, 1909-1927*, cited, Ch. IV; *A Brief History*, cited.

27. The text of this pact is given in the brochure, *Actitud de la minoria liberal del Congreso de Nicaragua, ante los actos de éste, que han llevado a la Presidencia de la República*, al General don Emiliano Chamorro, León, 1926, p. 22. Two months previously, a Conservative, Gabry Rivas, had terrorized a Liberal banquet at the International Club, placing General Moncada and other Liberals under arrest.

In June the Honorable Charles Eberhardt, American Minister, went on leave, and Mr. Lawrence Dennis became Chargé. Mr. Dennis strongly urged Chamorro to resign, pointing out that if he did not do so voluntarily, revolution would sooner or later force him out. Chamorro protested to Washington that Mr. Dennis had made statements that disturbed "public tranquility."<sup>31</sup>

Meanwhile, Dr. Sacasa, who had been elected Vice-President in 1924, and who now claimed to be the legal President, went to Washington for the purpose of asking the United States whether it intended to uphold the 1923 treaty. After remaining several months and receiving no assurances from the State Department, he left in June for New Orleans, where he learned that a Liberal revolution had broken out on the east coast. After placing an order for arms, which was shipped from New Orleans, he left for Guatemala—going by way of Mexico City, where he stopped for several days. On August 27, 1926 the State Department declared that if events continued their present course, civil war inevitably would result; further bloodshed could be avoided only by the withdrawal of Chamorro. In October, under the auspices of the United States, a conference of Liberals and Conservatives was held on the *U.S.S. Denver*, off Corinto. In the hope of reaching an agreement, the Liberals asked that the Central American states and the American government arbitrate the question: "Can the Nicaraguan Government be constitutionally reestablished and the Washington treaties be respected unless Dr. Sacasa is made Chief of State?" The United States said this was a domestic question to be decided by the Nicaraguans. Following unsuccessful efforts to establish a coalition government, the conference came to an end on October 24. A State Department history declares that the Liberals did not wish a settlement but were confident of their ability to oust the Conservative party by force of arms, "trusting in the efficacy of outside assistance"—apparently a reference to Mexico,<sup>32</sup> which, it was alleged, had supplied the Liberals with arms. This charge was denied, however, by Sacasa.

#### CHAMORRO RETIRES AS NICARAGUAN PRESIDENT

Believing that its prestige had been challenged by Mexico, the United States now acted more decisively. On October 30 Chamorro retired in favor of Senator Uriza, but resumed his former position as head of the Army. The United States, however, refused to recognize Uriza. Instead, it is stated, the American Chargé, Mr. Dennis, served a virtual ultimatum on local leaders, demanding that Congress meet in special session.<sup>33</sup> Meanwhile the eighteen members of Congress expelled by Chamorro were invited to return.<sup>34</sup>

Congress met on November 10, 1926. The next day it elected as First Designate Adolfo Diaz, an intensely pro-American Conservative who had been President between 1911 and 1916. On the 14th Diaz was inaugurated President in the presence of the American Chargé and others. On the 15th Diaz sent a note to the American legation asking for "the support of the Department of State in order to reach a solution of the present crisis and to avoid further hostilities and invasions on the part of the Government of Mexico."<sup>35</sup> On the 17th—three days after his inauguration—the United States formally recognized Diaz.

Leaving Guatemala, Dr. Sacasa arrived at Puerto Cabezas on December 1 and established a government which was recognized by Mexico, with General Moncada as Minister of War. Fighting between the Sacasa Liberals and the Diaz Conservatives already was going on, and the British, Italian, Belgian and Chinese governments asked the United States to protect their respective nationals.

On January 10, 1927 President Coolidge sent a message to Congress declaring that he had "the most conclusive evidence" that arms had been shipped to Nicaraguan revolutionists "with the full knowledge of, and, in some cases, with the encouragement of Mexican officials."

33. It is also stated that Mr. Dennis virtually made Adolfo Diaz President. (*Dollars for Bullets*, cited, p. 234-35.)

34. Three accepted the invitation; six others sent alternates.

35. Whatever means are chosen by the Department "will meet with my absolute confidence. . . ." (For the note, cf. *A Brief History*, cited, p. 37.) On December 8 the United States said that the fact of recognition did not imply any obligation to protect his government by physical means, but the United States would lend moral support such as is "ordinarily due constitutional governments."

31. *Dollars for Bullets*, cited, p. 222.

32. *A Brief History*, cited, p. 36.

### COOLIDGE INTERVENES IN NICARAGUAN DISPUTE

Referring to the Bryan-Chamorro treaty and the 1917 financial plan, Mr. Coolidge declared:

"... the proprietary rights of the United States in the Nicaraguan canal route, with the necessary implications growing out of it affecting the Panama Canal, together with the obligations flowing from the investments of all classes of our citizens in Nicaragua, place us in a position of peculiar responsibility. I am sure it is not the desire of the United States to intervene in the internal affairs of Nicaragua or of any other Central American Republic. Nevertheless it must be said that we have a very definite and special interest in the maintenance of order and good government in Nicaragua at the present time, and that the stability, prosperity, and independence of all Central American countries can never be a matter of indifference to us. The United States cannot, therefore, fail to view with deep concern any serious threat to stability and constitutional government in Nicaragua tending toward anarchy and jeopardizing American interests, especially if such state of affairs is contributed to or brought about by outside influences or by any foreign power. . . . Consequently, I have deemed it my duty to use the powers committed to me to insure the adequate protection of all American interests in Nicaragua, whether they be endangered by internal strife or by outside interference in the affairs of that Republic."

At this time the relations between the United States and Mexico were already strained over the oil and land law questions.<sup>35a</sup>

The United States now sold President Diaz a large supply of War Department ammunition upon a long-term credit. Meanwhile the embargo upon the purchase of arms by revolutionists was maintained. Moreover Diaz negotiated a million-dollar loan in New York to pay war expenses.<sup>36</sup>

As early as August 1926 vessels from the Special Service Squadron landed forces and established neutral zones on the east coast. The task of protecting foreign interests proved too heavy for the squadron and it was soon reinforced by five destroyers and two light cruisers from the scouting fleet.<sup>37</sup>

Fighting continued and the Liberal armies won new victories. One army, led by Moncada, was pushing across the country toward Managua, while another captured Chinandega, a strategically located city on the railway between Corinto and Managua.<sup>38</sup> The capture of this city threatened to isolate the capital, Managua, from the outside world. Two weeks previously American marines disembarked at Corinto, and on February 13 undertook to police the railway and to forbid fighting within 2,000 yards.<sup>39</sup> Nevertheless President Diaz was authorized to transport men and supplies over the line. Already on January 6, 160 marines had arrived at Managua—the first since the withdrawal of the legation guard. In the following months marines were stationed in the important towns, and by May a force of about 5,000 marines and bluejackets were in the country.

As the civil war showed no signs of relenting, President Coolidge in April 1927 dispatched Colonel Henry L. Stimson to Nicaragua as his personal representative. Colonel Stimson opened negotiations with the two contending factions. In a record-breaking trip, an American destroyer conveyed a delegation from Sacasa's government at Puerto Cabezas to Corinto.<sup>40</sup>

### UNITED STATES SECURES TIPITAPA AGREEMENT

At a conference in Managua Colonel Stimson proposed that if the factions would cease fighting the United States would supervise the 1928 elections; in the meantime Diaz must be recognized by the Liberals as President. The Liberal delegation refused this condition. Confronted by a deadlock, the delegates agreed to invite General Moncada, head of the Liberal armies, to the conference. By this time his troops had reached the Tipitapa River. On May 4 Stimson and Moncada met at the village of Tipitapa—now called the Villa Stimson—fifteen miles from Managua. At this conference Colonel Stimson put in writing the substance of their conversation, namely that

35a. Cf. "Mexico, the Caribbean and Tacna-Arica," F. P. A. *Information Service*, Vol. III, No. 23, January 20, 1928, p. 349.

36. Cf. p. 325.

37. "Use of the United States Navy in Nicaragua," *Hearings before the Committee on Foreign Relations, United States Senate*, 70th Congress, 1st Session, p. 15.

38. This city was taken on February 6 but recaptured on the 9th.

39. *Dollars for Bullets*, cited, p. 272.

40. This delegation consisted of Dr. Rudolfo Espinosa, Leonardo Argüello and Manuel Cordero Reyes.

the United States "intends" to accept the request of President Diaz to supervise the 1928 elections; that the retention of President Diaz during this period "will be insisted upon"; that general disarmament is regarded as necessary; and finally that "the forces of the United States will be authorized to accept the custody of the arms of those willing to lay them down, including the government, and to disarm forcibly those who will not do so."

Confronted by this statement,<sup>41</sup> General Moncada, apparently without consulting Dr. Sacasa, issued a proclamation on May 5 declaring that the Liberal army had been victorious despite the "open protection" given President Diaz by American marines. He could not, however, recommend further fighting as this would cause the country to "sink more deeply within the claws of the North American eagle." He concluded that "from this moment henceforth, the responsibility for all that might happen in the present or in the future will rest absolutely upon the Government of the United States, and in no wise on the Liberal Party, the conqueror in the contest."<sup>42</sup> On May 11 a second conference between Stimson and Moncada took place at Tipitapa. Stimson now presented a second letter giving certain assurances to the Liberals. He stated that the United States would supervise the 1928 elections and would assign American officers to train a non-partisan constabulary. Moreover, he announced that President Diaz had agreed to remove certain officials so as to restore the political *status quo* before the Chamorro coup of October 1925.

#### NICARAGUA REQUESTS SUPERVISED ELECTIONS

The final document in this series of letters, called the Tipitapa agreements, was a letter of May 15 from President Diaz to President Coolidge containing a detailed memorandum requesting supervision of elections and the policing of such elections by an American-organized constabulary and by

American marines. On June 10 President Coolidge acceded to this request.<sup>43</sup>

Five days before this memorandum Admiral Latimer, Commander of the Special Service Squadron, issued a proclamation directing that the arms of the government "be accepted for custody in the same proportion that arms are delivered by the forces opposing the Government." By May 26 11,660 rifles, 303 machine guns and 5,500,000 cartridges had been turned over to the American authorities.

In the Tipitapa agreements the United States thus assumed responsibility for disarming the population and restoring peace throughout the country, for organizing a constabulary, and for supervising the 1928 elections.

#### DID THE UNITED STATES CAUSE THE 1926 REVOLUTION?

From the historical standpoint it is interesting to speculate on whether the 1926 revolution would have occurred had the United States adopted a different interpretation of the 1923 treaty from that actually followed. There is one point of view which holds that in refusing to recognize Chamorro the United States did not properly interpret the treaty. Chamorro believed that the 1924 elections were fraudulent<sup>44</sup> and that he was not morally bound to respect the government that won those elections. While using a show of force in assuming power, he nevertheless attempted to fulfill the external requirements of the Nicaraguan Constitution and the 1923 recognition treaty. The question whether he did so involved a number of intricate questions of internal constitutional law. His supporters argued that no coup d'état had occurred, but that Solorzano had resigned of his own free will.<sup>45</sup> At no time, it was contended, was the orderly functioning of the government disturbed.<sup>46</sup>

Some Nicaraguans and Americans contend that the United States could have logically accepted this interpretation. Had it recognized Chamorro, a man of undoubtedly

41. Colonel Stimson explained that Moncada could not voluntarily accept his proposals, in view of past history, but if the United States was ready to supervise the 1928 election and to insist upon Diaz finishing his term "he would yield to that decision and do his best to persuade his army to do so." (*American Policy in Nicaragua*, cited, p. 78.) Mr. Stimson rejected the suggestion that a neutral or a foreigner be appointed Provisional President. (*Ibid.*, p. 67.)

42. For the full text, cf. "Mexico, the Caribbean and Tacna-Arica," cited, p. 345.

43. *A Brief History*, cited, p. 51.

44. This is admitted in *A Brief History*, cited, p. 26.

45. *Recognition of Governments, Case of Nicaragua*, cited.

46. *Ni Revolución Ni Golpe de Estado*, statement by the Departmental Convention of the Conservative party of Managua, 1926, p. 5.



large following, it is stated that the revolutions of 1926-1927 would not have occurred. Others declare that the most serious error of the United States was in so quickly recognizing as President, Adolfo Diaz, of notoriously pro-American tendencies, instead of Sacasa, who would have returned to the capital had the State Department given him any real encouragement.

Still another view is that the recognition principles embodied in the 1923 convention are unsound. It is argued that, regardless of the person recognized, the United States in attempting to apply the 1923 recognition convention must assume the responsibility for interpreting and applying the internal constitution of Nicaragua and of deciding what is and what is not a coup d'état. And when an outside power attempts to decide questions, upon which agreement under any circumstances is difficult, it inevitably becomes involved in domestic matters. Moreover, differences between foreign governments may arise as to recognition under the 1923 convention, as they did between Mexico and the United States. The United States contended that Diaz was the legal President under the 1923 convention; Mexico contended that it was Sacasa.<sup>47</sup> A question of prestige at once arose, and following alleged support of Sacasa by Mexico, the United States was, so it is argued, obliged to intervene in behalf of its own candidate. Two Americans closely associated with Nica-

raguan affairs during the last five years have expressed doubts as to the wisdom of this recognition policy. Professor Harold W. Dodds writes:

"I believe we weakened our position, at home and abroad, by falling into a discussion of constitutionalism. It is our business to decide whom we shall recognize, but we must not dictate who is to be President. Yet the latter is what constitutionalism leads us to. And if it is really to be our policy to enforce the 1923 treaties we shall become involved in repeated interventions such as the treaties deny to the Central American republics themselves. . ."<sup>48</sup>

Mr. Lawrence Dennis, Chargé in Nicaragua during the critical year of 1926, declares:

"Revolutions in Central America are facts which must be accepted by foreigners. Governments are likewise facts to be accepted and recognized as soon as they have established their *de facto* existence. The only result of deserting a policy of facts in favor of the metaphysics of constitutionalism is the indefinite intervention of the United States in Nicaragua. As a result of the policy of constitutionalism, we had to set up, and now must maintain, under the aegis of our arms, an artificial constitutionality. It is easy to get into a Central American country, but it requires real statesmanship to get out. The only fundamental way out is a return to *de facto*-ism and the abandonment of the policy established in the 1923 recognition treaty."<sup>49</sup>

The United States, it should be remembered, is not a party to the 1923 convention, which in any event may be terminated in 1934 by the signatories.<sup>49a</sup>

## PART II

### PRESIDENT MONCADA'S ADMINISTRATION

General José María Moncada, candidate of the Liberals, won the supervised election of 1928 and assumed office January 1, 1929 for a term of four years.<sup>50</sup> So far, Moncada's administration has been marked by a number of material achievements. At the end of his first year of office the budget showed a surplus of more than \$2,400,000 without taking into account the profits of the Pacific Railway and the National Bank. In the present year, however, Nicaragua has been affected by the world-wide depression, the

adverse effects of which have been accentuated by the withdrawal of American marines, and the government has been obliged to reduce its budget, which ordinarily ranges between \$6,000,000 and \$7,000,000, by a million dollars. One means of accomplishing this has been the reduction of salaries.<sup>51</sup> Up to the present the government has not been obliged to suspend salary payments of teachers and other officials, as has been the case in other Central American countries.

47. Foreign Minister Saenz, statement of January 11, 1927, *New York Times*, January 12, 1927.

48. "The United States and Nicaragua," cited, p. 139.

49. Statement prepared for the Foreign Policy Association.

49a. Article XVIII, General Treaty of Peace and Amity, February 7, 1923, cited.

50. Besides being a general, Moncada for many years was a school teacher. He has written several interesting books, such as *El Gran Ideal and Educación, Trabajo y Ciencia*, editions of which were published in Managua in 1929.

51. A reduction of 20 per cent was made in the case of salaries of \$100 a month. A 5 per cent cut was made in salaries of \$20 and less.

## DEVELOPMENT OF COMMUNICATIONS

Perhaps the most important achievements of President Moncada relate to the development of communications and public works. Financed entirely out of current revenue, about a hundred miles of road were constructed during his first eighteen months of office, while the paving of Managua was completed. To assist this program, the Nicaraguan Congress enacted on May 14, 1930 a road law establishing road committees in departments and municipalities and imposing on the general population a road tax of one dollar for each \$1,000 capital. Those having less than \$1,000 may pay their tax in the form of a day's labor which may be commuted by a payment of 50 cents. Moreover, at Moncada's request a Department of Road Construction in the Guardia Nacional was organized and two American army engineers placed in charge,<sup>55</sup> while the Pacific Railroad employed an American to begin the construction of a highway linking the Atlantic with the Pacific. It is estimated that at the present rate five years will be necessary to complete this construction. At the request of President Moncada the railroad company also undertook the construction of two railway lines, one of which will tap the northern area of the country.<sup>56</sup>

Moncada also has erected a hydroelectric plant to provide water for the Department of Carazo, and has started the construction of a Communications Building and of a Presidential Palace. The latter is being erected on the site of the Loma fortress, which Moncada razed. This fortress, located on a hill overlooking Managua, repeatedly had been the objective of revolutionists.<sup>57</sup>

While still President-Elect, General Moncada offered the cooperation of the Nicaraguan government to President Hoover (who stopped at Corinto on his Latin American tour) in carrying out the preliminary studies for the proposed Nicaraguan Canal. In August 1929 the first detachment of a

battalion of army engineers, under Major Dan I. Sultan, comprising twenty officers and 300 men, arrived to make the canal survey.<sup>58</sup>

In July 1930 the State Department instructed a warship to afford passage to an American naval engineer, and such others as the Nicaraguan government might desire, to inspect a possible seaport site on the Gulf of Fonseca.<sup>59</sup> This is part of a plan to provide Nicaragua with a more adequate port and to link up the country with Salvador and Honduras.<sup>60</sup> The International Railways of Central America is making plans to install a system of ferryboats connecting La Union, Amapala, and a Nicaraguan port such as Nacascolo.

## EDUCATION ADVANCES

President Moncada has not confined his activities to communications; new energy has been devoted to education, the number of schools having doubled during a year and a half. In 1929 about 70,000 children were in school out of a school-age population of 115,000.<sup>61</sup> Two new Ministries have been established—a Ministry of Agriculture and Labor, and a Ministry of Hygiene and Public Health<sup>62</sup>—while an American agriculturist has been invited to make a survey of the agricultural resources of the country.<sup>63</sup> Two agricultural schools have been projected, and legislation has been passed authorizing the establishment of a land mortgage bank.<sup>64</sup>

## CLAIMS COMMISSION ESTABLISHED

A step toward the financial liquidation of the country was the establishment of a

52. *Memoria del Secretario de Estado en el Despacho de Fomento*, 1929, p. 280.

53. *La Gaceta*, July 1930, p. 1217. From San Jorge to San Juan del Sur and from León to El Sauce.

54. The Moncada government desires that the United States and other governments build their legations on the same site. According to some observers, this would increase the moral protection given the Nicaraguan authorities by foreign powers.

55. This survey was authorized by joint resolution of Congress, March 2, 1929, appropriating \$150,000 for the work. The resolution provides that the survey should be completed in two years. The commission was given exemption from customs duties and a special train between Corinto and Managua. (*Memoria presentada por El Secretario de Estado en el Despacho de Relaciones Exteriores*, 1929, Anexo No. 17.) In February 1930 the State Department proposed that the local government concede the American Canal Commission free transport over the Pacific Railroad; in return they would study the construction of a railway connecting the Lake of Nicaragua with the Atlantic Coast. This proposal was accepted. (*Ibid.*, Anexo No. 18.)

56. State Department, *Press Releases*, August 2, 1930, p. 69.

57. It was denied that this inspection had anything to do with the construction of the proposed naval base. (*New York Times*, August 2, 1930.)

58. *Memoria de Instrucción Pública*, 1929, p. x, xvii. In 1920 only 31,000 children were in school. (W. W. Cumberland, *Economic and Financial Survey of Nicaragua*, cited, p. 25.)

59. Nicaragua is still lacking in a system of vital statistics.

60. Professor J. B. Knight, *Informe presentado al Ministro de Agricultura y Trabajo*, Managua, October 1929.

61. *La Gaceta*, May 19, 1930, p. 856.

claims commission to award compensation for damages arising out of the last civil war. This commission consisted of an American chairman, and one Liberal and one Conservative member, the latter two being chosen after consultation with the national committees of the respective parties. About 17,000 claims, amounting to \$17,346,000, were filed with the commission. Of this total approximately \$3,000,000 represented foreign claims.<sup>62</sup> If the experience of commissions in other countries is followed, only about 15 per cent of these claims will be allowed.<sup>63</sup> As yet the government is undecided how to finance the payment of these claims, but many have already been paid out of current revenue.

To establish the land mortgage bank and construct further communications, some Nicaraguans wish to make a five-million-dollar loan in New York. A policy of loans, however, has been attacked by writers in Nicaragua on the ground that loans are financially and politically unprofitable.<sup>64</sup>

As a possible step toward Central American cooperation and as a measure of economy, the Moncada government in 1929 proposed the unification of the diplomatic representation in Latin America of the five Central American republics. The plan was not pushed, however, in view of the replies of Honduras and Salvador.<sup>65</sup> There were popular demonstrations in Salvador against the plan on the ground that Nicaragua was under the control of the United States.

Not the least of President Moncada's achievements has been the nationalization or semi-nationalization of a number of economic enterprises. Making use of an option granted in a 1914 agreement, he purchased for \$300,000 the wharf of Corinto which had been operated by an American, Samuel Zee-murray. The wharf, which is now administered by an American on behalf of the gov-

ernment, yields from 14 to 40 per cent a year.<sup>66</sup>

#### REORGANIZATION OF NATIONAL BANK AND PACIFIC RAILWAY

Similarly, the President reorganized the National Bank and the Pacific Railway. These institutions had been incorporated under the laws of Connecticut and Maine respectively. In 1927 the Diaz government, to finance the revolution, contracted a million-dollar loan from American bankers who in return insisted upon taking over the stock in the bank and railway, as well as other collateral, and appointing a majority of the directors of each institution.<sup>67</sup> With the repayment of this loan the next year, the stock was returned to Nicaragua, and a Nicaraguan board of directors again became possible. It is understood, however, that President Diaz requested the New York bankers to continue to maintain a majority on each board. Following the accession of President Moncada, a number of difficulties with the New York bankers arose. Moncada contended that "the profits and benefits from the railroad should go into the country, for the construction of more roads and railroads, and not for the distribution of dividends among individuals and friends."<sup>68</sup>

The bankers declared that dividends should go into a depreciation account. Differences also arose over the appointment of certain personnel and over certain loans. As a result of these disputes, and because of the meager profit involved, J. and W. Seligman, New York investment bankers, resigned their connection with the Nicaraguan government as of December 31, 1929.<sup>69</sup> A few months later the Moncada government concluded negotiations whereby the International Acceptance Bank of New York agreed to become fiscal agent and depositary of the Nicaraguan National Bank and to perform a number of other services for the government.<sup>70</sup> It was agreed, moreover, that the

62. *Report of the Collector General of Customs, 1929*, p. 17. No claim was to be awarded without the vote of the American member.

63. The 1922 commission in Haiti awarded 8.85 per cent; but the 1919 Commission of Public Credit in Nicaragua awarded 39.06 per cent. *Informe de la Comisión de Crédito Público* (1917-19), Managua, 1920; also *Economic and Financial Survey of Nicaragua*, cited, p. 126.

64. Cf. series of articles by Rodolfo Huete Abella, "Los empréstitos norteamericanos empobrecen al pueblo nicaragüense y nulifican la acción administrativa del Gobierno," *La Noticia*, July and August 1930.

65. *Memoria presentada por El Secretario de Estado en el Despacho de Relaciones Exteriores, 1929*, Anexo 11.

66. *Report of the Collector General of Customs, 1929*, p. 31; also *Memoria de Hacienda y Crédito Público, de 1929*, p. x.

67. Cf. the agreement of March 23, 1927 with the Guaranty Trust Company and J. and W. Seligman. *Compilación, Contratos celebrados por el Gobierno de Nicaragua con los Banqueros de New York, 1911-1928*, three volumes, arranged by César Arana, Managua, 1928, Vol. II, p. 366. Such control had also been exercised before 1920.

68. *Mensaje Presidencial, 1929*, p. 9.

69. *La Gaceta*, January 1930, p. 179.

70. *Ibid.*, May 1930, p. 762.

bank and the Pacific Railroad should dissolve their incorporation in the United States and become Nicaraguan companies.<sup>71</sup> The board of directors of each institution will consist of five Nicaraguans and four Americans, but the seat of the boards will continue to be in New York. The balances of both companies will be kept on deposit by the International Acceptance Bank who will pay the prevalent rate of interest on current deposits.<sup>72</sup> The Nicaraguan government, finally, promises to consult the International Acceptance Bank concerning any financing which it may wish to do. It also promises to give complete liberty of action to the boards, consistent with the interests of the Nicaraguan people.

Thus, while the Nicaraguan government owns the bank and the railroad and receives the profits of these institutions, and while it controls their management through a majority on each board, this control is exercised from New York, where the surplus funds of these institutions also are kept. By this means it is hoped to remove the bank and railroad from the influence of local politics, and to give them the moral backing of American finance.

The Nicaraguan majority on the board has agreed to the selection of Hans Sitarz, formerly manager of a German bank in Colombia, as manager of the National Bank and of the proposed Land Bank. Moreover, in November 1929 J. G. White & Company resigned as manager of the railroad and was succeeded by a Nicaraguan. For the year ending June 30, 1929, the railroad paid the Nicaraguan government a dividend of \$440,000 (part of which was used in the purchase of the Corinto wharf); and the 1930-1931 budget estimates that the railroad and wharf will bring a net profit to the government of \$544,396.<sup>73</sup>

#### PRESIDENT MONCADA AND CONGRESS

To carry out this program of reconstruction, it was necessary for President Moncada to have a majority in Congress. Unlike other Central American countries which

have a single legislative chamber, Nicaragua has a Senate, composed of twenty-four members elected for six years, and a Chamber of Deputies, containing forty-three members elected for four years. As evidenced by its election of Diaz as President in November 1926, the Nicaraguan Congress was overwhelmingly Conservative before the 1928 elections. Under the Nicaraguan Constitution, only one-third of the Senate and one-half of the Chamber is elected every two years. Consequently, the Liberal victory in the Presidential contest of 1928 did not give that party a majority in Congress. On the contrary, the Conservatives after the 1928 election continued in control of both the Chamber and the Senate.

President Moncada attempted to secure a working arrangement with the Conservative party by offering to divide the courts between the two parties. The Conservative party, as such, declined to enter into such a transaction; nevertheless, some of the Conservative Senators and Deputies came under Moncada's influence, whether by patronage or otherwise, so that today the President has no difficulty in securing the adoption of measures in the Senate, while he can count on a vote of 24 to 19 in the Chamber.<sup>74</sup>

#### CONSTITUTIONAL AMENDMENTS

In the spring of 1930 four Senators introduced proposals for constitutional amendments. Some of these proposals were for the purpose of making constitutional the construction of the Nicaraguan Canal, and American participation in the customs, the Guardia Nacional,<sup>75</sup> and the election machinery, and will be discussed in a later report. The remaining amendments would abolish the present basis of manhood suffrage in favor of a literacy test for men and women. They would legalize the suppression of the municipality of Managua; abolish the institution of jury trial; and extend the term of a deputy from four to six years, of a

71. This change may impair their credit, since legally it will be more difficult for American creditors to proceed against them in Nicaragua than in the United States.

72. *La Gaceta*, cited, p. 773.

73. *Presupuesto General de Gastos*, 1930-1931, p. 7, 134.

74. At present, three out of the five regular judges on the Supreme Court are Conservatives—these judges are named by Congress. One of the three Conservatives, however, is regarded as a *Moncadista*. The president of the Court is now a Liberal. The elections of November 1929, however, gave the Liberals a majority in both houses.

75. The constitutionality of the Guardia is discussed on p. 331, 333.



Senator from six to nine years, and of the President and Vice-President from four to six years. Citing the example of Chile and Guatemala where the Presidential term has been extended, a Senate committee declared that it was desirable to give the government a sufficient period to carry out its administrative program.<sup>76</sup> After a favorable report of the Senate committee,<sup>77</sup> the amendments were in general approved by the Senate on April 1, 1930 by a vote of 17 to 7.<sup>78</sup>

Although supporters of the amendments commanded the necessary two-thirds majority in the Senate, they did not in the Chamber. In the latter body, opposition was so strong that the amendments were not put to vote. It is possible that they may be revived after the November elections.

Critics of the amendments declared that they would increase the oligarchic nature of the government and would make possible the extension of Moncada's term of office. In reply it was stated that an amendment to the article fixing the term of the President or prohibiting the re-election of the President (and also fixing his term at four years) could not take effect for two Presidential terms after its adoption, and that it would not therefore apply to President Moncada.<sup>79</sup>

#### PRESIDENT'S USE OF FUNDS CRITICIZED

Many observers believe that President Moncada has already done more for the material progress of Nicaragua than any President since the time of Zelaya. One hears less of the corrupt use of government funds in Nicaragua today than in any other Central American country. Nevertheless, the salary and perquisites of the President have been criticized. According to the budget, the President receives as salary and expenses the sum of \$36,000 a year, plus a number of other perquisites. The budget

also contains an annual appropriation of \$72,000 "for the pacification of the departments of the North, service of investigation and unforeseen needs of the Presidential House and the General Command, without obligation of rendering any account."<sup>80</sup> It is asserted that this latter sum is used for procuring secret intelligence concerning Sandino's operations, and for other state purposes. Opponents of the President declare, however, that he expends this latter sum largely upon personal ends, giving him a total of \$108,000 a year, which is larger than the salary of the President of the United States.<sup>81</sup> Many governments make appropriations for secret funds which the Executive is authorized to expend without accounting; few governments, however, make secret and uncontrolled appropriations for such items as "unforeseen needs of the Presidential House."

President Moncada has also been criticized for making expenditures not authorized in the budget.<sup>82</sup> In July 1930 the President made a contract promising to pay a Guatemalan newspaper \$2,000 for a special edition devoted to the progress of Nicaragua, although the budget had made no appropriation for this purpose.<sup>83</sup> The President has also been charged with dismissing Conservatives from government employ, the dismissals affecting school teachers and the railway and wharf services. Nevertheless, in the case of the engineer in charge of constructing the El Sauce railway, the President has retained a Conservative, on the ground that he is best fitted for the job.

In view of his unpopularity with certain elements in the Liberal party and the hostility of the Conservatives, General Moncada has been obliged to fill a difficult position, which has been accentuated by his efforts to cooperate with American officials in carrying out the Stimson program for the pacification of the country. The execution of this program has led to a number of conflicts

76. *Proyecto de Reformas a la Constitución, Dictamen de la Mayoría, Dictamen de la Minoría*, 1930, Cámara del Senado, p. 18.

77. *Ibid.* The committee struck out the proposal concerning a literacy test but added several other clauses, one of which related to minority representation in the legislative, judicial and executive branches of the government.

78. *La Gaceta*, June 23, 1930, p. 1082. One Senator charged that these amendments were rushed through in violation of constitutional procedure (Article 160). (*Ibid.*, p. 1130.)

79. Cf. Article 161 of the Constitution. Moreover, no amendment adopted by one national Congress (by two-thirds vote of each house) can take effect until approved by the next Congress after a lapse of two years.

80. *Presupuesto*, cited, p. 65, 80.

81. Including secret funds, the total appropriations for the Presidency in each Central American country, according to the recent budgets and reduced to dollars, is as follows: Guatemala, \$262,392; Nicaragua, \$132,120; Salvador, \$82,885; Honduras, \$25,000; Costa Rica, \$14,500. According to population, the Nicaraguan expenditure is much the highest.

82. For the Guardia expenditure, cf. p. 331, 332.

83. *La Prensa*, August 17, 1930.

between American officials and Nicaraguan opinion.<sup>84</sup> In order to guide Nicaragua through a critical period, President Moncada has believed it necessary to hold a firm hand.

#### SUPPRESSION OF MANAGUA MUNICIPALITY

During the Mayoralty election campaign held in the fall of 1929 in Managua, the opinion became widespread that General Murillo, a personal enemy of the President, would be the victor over the candidate supposedly backed by General Moncada. On October 31 the President issued a decree suppressing the municipality and placing its administration in the hands of an appointive board. This action, which prevented the possible election of Murillo, was defended on the ground that the municipal form of government had proved wasteful, dishonest and inefficient.<sup>85</sup> Nineteen Conservative deputies, however, formally declared that the decree violated the Constitution, which did not vest powers of legislation in the President but provided that local government should be in the hands of municipalities elected by popular vote "in accordance with the law." (Article 145.) They also declared that the President had been animated not by a desire to improve local government, but to prevent the election of a person who did not enjoy his sympathy.<sup>86</sup>

Legislation was next introduced approving the decree. Conservatives declared that Congress had no more power to suppress a municipality than had the President. In reply it was stated that such action had been taken before, and that it was within the power of Congress or the Executive to define what populations should enjoy the benefits of ordinary municipal government. A law approving the suppression and establishing a federal district governed by an appointive board was passed by the *Moncadista* majority on March 7, 1930.<sup>87</sup>

One of the proposed amendments to the Constitution, introduced in the spring of 1930, declared, however, that "the Municipality of Managua is raised to the rank of

a National District. . . ."<sup>88</sup> This was intended to remove all doubt as to the constitutionality of the previous action.

Further, Moncada suppressed the elective municipal officials in the five northern departments in favor of appointive boards. This was done under authority of martial law, but when Moncada lifted the state of siege in July 1930 he declined to restore the elective authorities, claiming that they had been illegally elected.

#### FREEDOM OF THE PRESS

Believing that unrestrained criticism by the press incited Nicaraguans to rebellion and embarrassed the position of the United States, President Moncada has interfered with the publication of a number of local newspapers. In October 1929 the government excluded from the mail *La Tribuna*, a newspaper of nationalist leanings, edited by Buitrago Diaz, that had been outspoken in its criticisms of certain phases of the Moncada government and the American occupation. In the same month mailing privileges were taken away from the Conservative organ, *La Prensa*, while its editor was deported. These privileges were restored to *La Prensa* after six months. A third case was that of *El Nuevo Tiempo*, edited by General Andrés Murillo, which was suppressed in the spring of 1930 notwithstanding a decision of the Supreme Court upholding its right of publication. This action led General Murillo to denounce Moncada as "the tyrant of the press."<sup>89</sup> A fourth case was that of *La Epoca*, a journal which vainly sought administrative permission to start publication.

President Moncada's attitude toward the press was defined in August 1929 when a local paper had declared that the Nicaraguan people were tired of "the iniquities" of the American marines. To this Moncada replied that he would respect the freedom of the press so long as the press did not commit crimes against the republic, but, he added:

"It seems to me that a crime was committed against the country when, gratuitously and with-

84. Cf. p. 333.

85. *Memoria de la Gobernación*, 1929, p. viii.

86. *La Gaceta*, August 7, 1930, p. 1,377.

87. *Ibid.*, March 11, 1930, p. 465.

88. *Proyecto*, cited, p. 9, 26.

89. *El Nuevo Tiempo*, May 25, 1930, also annex to *El Nuevo Tiempo*, No. 46, August 2, 1930. Later the Supreme Court declined to interfere.

out respect for the truth, a nation friendly to Nicaragua was offended in the greatest pride that it can have, the honor of its army and of its marines. I refer to the United States of America."<sup>90</sup>

### IMPRISONMENT AND EXPULSION OF POLITICAL OFFENDERS

Broad powers for dealing with political offenders are entrusted to the President of Nicaragua. Article 112 of the Constitution provides that when public tranquility is threatened, the President may imprison alleged offenders, but within ten days they must be brought before a competent judge. The President may also confine in the interior, or expel, persons suspected of conspiracy or treason, provided that this is done in the Council of Ministers and with the vote of two Senators.<sup>91</sup> While in many countries the Executive is authorized to expel aliens, it is seldom that such a penalty may be applied to citizens. By means of this power it is possible for the Nicaraguan President periodically to put his opponents in jail for ten days without charging them with any offense, and thus to stifle criticism of the administration by any but the most ardent opponents.

During his first year and a half of office, President Moncada made use of Article 112 to imprison a number of citizens. One of the most extreme cases was that of Sr. Sofonías Salvatierra, a local historian and leader in adult education and in the labor movement called *Obrerismo Organizado*.<sup>92</sup> Salvatierra became the Labor candidate for Mayor in the municipal elections of Managua in the fall of 1929,<sup>93</sup> and during the campaign President Moncada ordered his arrest under Article 112. Sandino at one time had stated that Salvatierra would make a good President of Nicaragua, and he was now imprisoned apparently because of alleged sympathy with Sandino. It was pointed out, however, that Salvatierra had even refused

to join the short-lived Nationalist party,<sup>94</sup> and 400 persons signed a petition which was placarded on the walls of Managua, asking "por la Libertad de Sofonías Salvatierra." After six days' imprisonment he was released. In the summer of 1930 Sr. Aquimo was similarly arrested because he had intimated in the press that President Moncada was improperly managing finances.

### MONCADA DENOUNCES CONSERVATIVES

In October 1929 the President ordered the expulsion of eight Nicaraguans, most of whom were Conservatives, on the ground that they had organized a conspiracy to take his life and were aiding Sandino.<sup>95</sup>

In a manifesto directed to "The Nicaraguans," President Moncada declared that Conservatives among others were supplying Sandino and other bandits with arms, adding that it was their purpose "to maintain the Nation in anxiety and not to permit a good Liberal administration." President Moncada intimated that Emiliano Chamorro was involved in a conspiracy against the government.<sup>96</sup>

Apparently there is no record published of the number of persons imprisoned or expelled under Article 112. Conservatives assert that Moncada has obliged no less than 100 persons to leave the country. Government officials state that the number is much less.

The Conservative party has protested vigorously against these imprisonments or expulsions. It has flatly denied that Conservatives are aiding Sandino or plotting against the life of Moncada. In a formal statement presented to the Chamber of Deputies, the Conservative members declared:

"We have already declared and we again declare that the Conservative party has not attempted to disturb public order in this country; that it has nothing to do with banditry in the northern departments, which it condemns and

90. *La Gaceta*, August 14, 1929, p. 1649.

91. In case public order is disturbed, the concurrence of the Senators is not necessary.

92. Sr. Salvatierra is author of *Obrerismo y Nacionalidad*, Managua, 1928.

93. For the suppression of the municipality during this campaign, cf. p. 328.

94. "La Interrogación," *La Tribuna*, October 1, 1929.

95. *Resumen de Algunas Declaraciones de los Conspiradores*, Managua, 1929; also *El Complot del 29 de Setiembre de 1929*, March 1930.

96. *La Gaceta*, October 1, 1929, p. 2257.

disapproves; and that the conspiracy of which members of the Conservative party are accused has not been proved, and never can be, because it has not existed. . ."<sup>97</sup>

In a debate upon this subject in December 1929, a deputy pointed out that Moncada was supported by the strongest government in the world and that a plot against his life by the Conservatives would be ridiculous.<sup>98</sup> It was pointed out that Sandino had been a Liberal, as were many of his followers.

The Minister of Government, however, declared to the Chamber that while President Moncada did not believe another revolution was being organized, nevertheless the Opposition wished to discredit the Liberal government. He reiterated that a number of distinguished Conservatives were cognizant of a plan to assassinate Moncada, and that it was "notorious that General Chamorro and other elements of the Conservative party are engaged in the work of banditry."<sup>99</sup>

#### CONSERVATIVES CHARGE TERRORIZATION

The Conservatives have not only denied that they are plotting against Moncada; they have alleged that Moncada is using a policy of imprisonment and deportation to terrorize their party. On March 20, 1929 the National Committee of the party voted to petition the American Minister to the effect that the Moncada government had adopted a "system of unwarranted molestations, persecutions and imprisonments, against many members of the Party, which has come to affect materially the constitutional régime." It listed fifteen cases where Conservatives had been imprisoned without trial, and treated like "ordinary criminals."

Upon another occasion it was charged<sup>100</sup> that President Moncada's action in deporting Gabry Rivas, one of the eight exiled from Nicaragua in October 1929, was due to a desire for personal revenge. It was Rivas who, in 1925, had broken up the ban-

quet of the International Club and put Moncada, who was then a Senator, under arrest.<sup>1</sup>

Generally the view of the Conservatives and of others is that these policies of interfering with newspapers, imprisoning and deporting citizens, and suppressing the municipality of Managua are high-handed acts. They assert that the government does not attempt to establish its charges of sedition in any court; and that the motive of the President is to prevent criticism of his administration on the one hand, and to injure the Conservative party and prevent the establishment of a nationalist party on the other. It is pointed out that the repressive orders of the government are enforced by an American-controlled Guardia and it is declared that except for the support of the United States, President Moncada would not dare go to present extremes, but would be obliged to be more conciliatory toward his opponents. Moncada, it is alleged, has gone further than any other Central American President now in office in interfering with personal liberties.<sup>2</sup>

In reply, supporters of the President assert that the above criticisms overlook the abnormal conditions that prevail in Nicaragua, the necessity of stamping out banditry in the north and of cooperating with the United States in fulfilling the Tipitapa agreements; in a country confronted with civil war, one cannot expect to find the same degree of liberty as in a country which is profoundly at peace. Any incitement to revolution, it is alleged, must be suppressed. Nicaragua is the scene of tense party bitterness which was accentuated by the recent revolution. Its press, moreover, has the reputation of indulging in personal abuse to a greater extent than the press of many other countries. Finally, the acts of the President in imprisoning for ten days and deporting alleged offenders, have been based upon Article 112 of the Constitution, while interferences with the newspapers have been, it is alleged, in accordance with the press law, and are not therefore illegal.<sup>3</sup>

97. *La Gaceta*, August 13, 1930, p. 1417.

98. *Ibid.*, January 9, 1930, p. 51.

99. *Ibid.*, January 11, 1930, p. 67, 69.

100. For the debate, cf. *ibid.*, December 7, 1929, p. 2705. It is charged that the Nicaraguan government has imprisoned citizens on the ground of aiding the enemy, who had given food to bandits under threat of death. Cf. the case of Señora Tiburcio García Otero, *La Prensa*, July 30, 1930.

1. Cf. *Dollars for Bullets*, cited, p. 206.

2. R. L. Buell, "States of Central America Progress Toward Democracy," *New York Times*, October 5, 1930.

3. Senator Chamorro declared, however, that Article 112 was not complied with because some of the deportations were ordered without obtaining the necessary consent of the Council of Ministers or two Senators. (*La Gaceta*, February 1930, p. 339.)



### PART III

#### THE FULFILLMENT OF THE TIPITAPA AGREEMENTS

In the Tipitapa agreements of May 1927<sup>4</sup> the United States assumed certain definite responsibilities in connection with the reorganization of the Nicaraguan government. Two of these responsibilities will be discussed in the following pages: first, the organization of the Guardia Nacional or constabulary, and second, the disarmament of the country, which unexpectedly developed into a campaign against Sandino. The third responsibility—the supervision of elections—will be left for a later report.

#### THE GUARDIA NACIONAL

The relationship of the United States to the Nicaraguan constabulary was defined in an agreement of December 22, 1927.<sup>5</sup> In this agreement the American government undertook to provide officers and enlisted men of the United States Marine Corps to cooperate with the Nicaraguan government in the organization of a constabulary which came to be known as the Guardia Nacional. These American officers, who should speak Spanish, are appointed to the Guardia by the President of Nicaragua at the designation of the President of the United States.<sup>6</sup> "They will be replaced by Nicaraguans when these have successfully completed the course of instruction prescribed by the Director of the Guardia Nacional and have demonstrated by conduct and examination their aptitude for command." The Guardia Nacional is to be the only military and police force of the Republic.<sup>7</sup> Its size is fixed at ninety-three

commissioned officers and 1,134 enlisted men, and its annual cost is limited to \$698,132. Any increase in these figures will be made "only by virtue of previous and express authorization of Congress."<sup>8</sup>

Actually these limitations do not seem to be observed. At present there are about 2,200 men in the Guardia and about 220 officers, of whom 150 are line officers. The expenditure of the Guardia in 1928-1929 was \$1,070,897.<sup>9</sup>

Although the Nicaragua Constitution provides for conscription, the Guardia is recruited by voluntary enlistment—the term being for three years. Each soldier is paid \$12 a month, plus food and clothing. Upon enlisting he swears that he will remain faithful to Nicaragua, will obey orders and will renounce all political affiliations.

#### GUARDIA OFFICERED BY AMERICAN MARINES

All but fifteen of the 150 line officers in the Guardia are members of the United States Marine Corps. About sixty-five of these Americans are commissioned officers, the remainder being marine "non-coms." A marine "non-com" may rise as high as first lieutenant in the Guardia. Nicaraguan and American officers in the Guardia receive the same salary from the Nicaraguan government, ranging, according to the 1927 convention, from \$900 a year in the case of a second lieutenant to \$3,000 a year in the case of the *Jefe Director*, or Commander-in-Chief. The American officers continue to receive their regular marine corps pay. The American government expends \$47,477 a month upon American personnel in the Guardia, and provides such personnel with weapons. The Nicaraguan government expends only \$19,000 monthly on the salaries of both native and American officers.

8. This limitation was inserted by the Nicaraguan Congress, but apparently was not accepted by the United States. Nevertheless it is contained in the only agreement that has been ratified.

9. This sum is in excess of the appropriation voted by Congress (\$760,000 for 1930-1931) and is authorized by the President out of the surplus. Because of the depression, the 1930-1931 budget apparently will not show a surplus. If revenue falls to \$5,000,000 or under and if the Guardia expends a million dollars, a severe financial strain may be imposed. Cf. p. 323.

4. Cf. p. 321, 332.

5. The Spanish text of this agreement, as approved after certain modifications in the original draft by the Nicaraguan Congress on February 21, 1929, is published in *La Gaceta*, April 4, 1929, p. 521. On December 28, 1927 the draft agreement was sent to the Senate. By a vote of 16 to 6 the draft was sent on the same day to the Supreme Court, with a request for an opinion as to its constitutionality. On January 3, 1928 the Supreme Court replied that it could not give an opinion on this agreement until legislation was passed affecting the existing laws and codes. On January 10 the Senate approved the agreement. (*La Gaceta*, 1928, p. 286, 358, 398.) The Chamber, however, made a number of amendments, holding up the agreement for more than a year. The agreement was not submitted to the United States Senate, being in the nature of an "executive agreement," based on the act of May 19, 1926 which authorized the President of the United States to detail officers and enlisted men to assist Latin-American governments in military and naval matters. (United States, *Statutes at Large*, Vol. XLIV, p. 2057.)

6. In March 1929 Colonel Douglas C. McDougal assumed command with the rank of Brigadier-General, succeeding Lieutenant-Colonel Elias R. Beadle.

7. Municipal police, however, may apparently exist.

Of the approximately fifteen line officers who are Nicaraguans, half have risen from the ranks, and half have been appointed from civilian life. All such officers have gone through a training course similar to that at Plattsburg. It is planned to train future Nicaraguan officers at a school where a one-year course will be given; and it is hoped that within four or five years this school will produce officers enough so that the Americans may be withdrawn. The training of officers is handicapped, however, by the reluctance of Congress to appropriate funds adequate for the support of the school.

The Guardia performs both military and police duties. About 900 of its 2,200 members are in the northern departments, engaged in the suppression of banditry. The remainder are divided into small detachments assigned to police the various towns and cities. The policing of Managua is in the hands of sixty-five Guardia and thirty police furnished by the Managua government. The chief of police here and in other principal cities is an American marine in the Guardia service. The Guardia has charge of all prisons and penitentiaries,<sup>10</sup> and rigorously controls the sale of arms. Some Nicaraguans feel that better results would have been secured had a separate police force, trained by foreign civilian experts, been established.

#### LACK OF DISCIPLINE CHARGED

In view of the disorder created by the 1926-1927 revolution and the general disarmament imposed on the people, the need for the establishment of the Guardia was imperative, but these very conditions made its organization extremely difficult. Americans and Nicaraguans agree that early recruits were not carefully chosen and that some came from the criminal class. Many members of the Guardia were consequently lacking in discipline, and there were a large number of desertions and absences without leave. In 1928-1929, 387 men were discharged out of a line force of 1,846, while 480 deserted.<sup>11</sup> During the early period,

Guardia members even threatened their officers that if certain concessions were not made, they would join Sandino. Officers declare that at present the discipline of the Guardia has greatly improved, largely because of the establishment of effective court-martial proceedings, an improved course of military instruction and more careful recruiting.

Lacking in discipline, Guardia members at one time committed a number of abuses upon the civilian population, it is alleged. Even today, a number of Nicaraguans claim that the Guardia is a law unto itself.<sup>12</sup> They declare that Congress and the Cabinet have no control over this body. They also declare that the Guardia is not large enough to provide adequate protection even in the cities. In reply, Guardia officials declare that the Guardia is not a law unto itself, simply because it has no power to try offenses of civilians; such offenses are tried by the Nicaraguan courts, as formerly. Every person arrested by the Guardia, except in actual military operations against bandits, is placed to the order of a Nicaraguan police judge whose action is final. No person is kept under arrest or released except upon a written order from a Nicaraguan judge. Moreover, any Guardia member who commits an offense against the common law is discharged and placed to the order of a criminal court for trial. If the Guardia is too small, spokesmen declare, it is because of the unwillingness of the Nicaraguan government to appropriate adequate funds. Nicaraguans point out, however, that the Guardia expends twice as much money as the Nicaraguan government expended in 1925 upon war, police and prisons.<sup>13</sup> American officials assert in reply that in contrast to the situation in 1925 an efficient body is being trained that will be able to prevent revolution and consequent destruction of property. This

12. Mr. Charles Thomson, Latin American secretary of the Fellowship of Reconciliation, was arrested by the Guardia en route between Matagalpa and Jinotega and his papers searched. Mr. Thomson protested that this was in violation of the Nicaraguan Constitution. (Articles 41 and 42.) The Guardia officer (an American marine) is reported to have replied: "In practice, the National Guard is the Constitution of this country." (*La Noticia*, July 30, 1930.) Scarcely a week passes that some alleged abuse committed by the Guardia is not reported. (Cf. *ibid.*, September 10, 19, 24, 1930.)

13. Expenditures in 1928-1929 were \$1,070,897, while the sums actually expended in 1924-1925 on police, war, and justice was \$430,725. (Cf. *Memoria de Hacienda*, 1925, p. 91.) The latter figure does not, however, include the sums formerly expended on the municipal police which have now been largely eliminated.

10. The municipal jail at Managua is overcrowded to an appalling extent, but a new jail is being constructed.

11. There were also 201 deserters who returned to the Guardia.

result, it is contended, will more than justify present expenditure. It may also be pointed out that the proportion of the Nicaraguan budget devoted to the Guardia is not much different from that in Honduras and Costa Rica. In Nicaragua 14.25 per cent of the 1930-1931 budget goes to the Guardia; in Honduras the percentage for military and police is 15.66 per cent; and in Costa Rica 12.12 per cent.<sup>14</sup>

In theory the Guardia is a Nicaraguan institution responsible to the President. Nevertheless, for the time being, actual command is in the hands of American marines, and a number of difficulties have arisen in working out the relationship that should exist between them and the Nicaraguan authorities. Apparently to safeguard the independence of the American officers of the Guardia, the 1927 convention provides that "the officers and enlisted men of the United States Marine Corps, serving in the Guardia Nacional, shall not be tried by Nicaraguan civil tribunals and courts-martial; but will be subject to trial by courts-martial under the organic laws of the United States Navy." (Article XII.) Nicaraguan members of the Guardia are, however, subject to court-martial by Guardia officers, who may be American. This discrimination has been criticized on the alleged ground that it gives to American officers in the Guardia extraterritorial privileges which are unconstitutional.

#### THE GUARDIA REGULATIONS

On September 26, 1929 regulations for the government and discipline of the Guardia Nacional were promulgated.<sup>15</sup> These regulations, which closely follow those of the United States Army and Navy, provide that the local personnel of the Guardia will be subject to the jurisdiction of courts-martial for military offenses. Three types of courts-martial—ordinary, summary and general—are authorized. The members of such bodies

are officers of the Guardia appointed by the *Jefe Director* or in certain cases by the commanding officer of the district concerned. The accused has the right to be represented by a military officer (*consultor militar*). The regulations define various offenses, such as desertion, mutiny, misappropriation of captured property, and drunkenness. An ordinary court-martial may impose six months' confinement and twenty days' loss of pay; a summary court-martial, twenty days' confinement and twenty days' loss of pay. A general court-martial may impose the death penalty, but only by unanimous vote, and imprisonment up to ten years by three-fourths majority. Other decisions either by a general or ordinary court-martial require a two-thirds vote.<sup>16</sup>

When martial law is proclaimed court-martial proceedings may be applied to civilians by extraordinary courts-martial.

In 1930 a committee of the Senate reported that the 1927 convention and the Guardia regulations in so far as they established special courts—the judges of which might be foreigners—and authorized the conferring of military rank by the Guardia instead of by Congress,<sup>17</sup> were unconstitutional. This report declared that the institution of the Guardia should be maintained but that the Constitution should be amended so as to make it legal.<sup>18</sup> Nevertheless no action in this respect has yet been taken; and the 1927 convention and the Guardia regulations are being enforced.

#### THE LARIOS CASE

The legal and political difficulties involved in the American supervision of the Guardia were recently illustrated in the Larios case. In October 1929 Lieutenant Trogler, in command of a Guardia detachment at Telpaneca, in the bandit area, was shot dead. For three weeks it was believed that he had been killed by bandits, but evidence then disclosed indicated that a bandit attack had been simulated by guard members who had organized a conspiracy under the leadership

14. The Nicaraguan figure presupposes that the Guardia will expend next year a million dollars. These estimates also presuppose that revenues in each country next year will be as large as those budgeted. The total estimated for Nicaragua next year is \$7,013,253.

15. These regulations may be found in Decree No. 161, *La Gaceta*, October 1, 1929, p. 2259. The regulations were not enacted in the form of law but as a Presidential decree, in conformity with Article IV of the 1927 convention (itself approved by Congress) which authorized the President of Nicaragua to approve regulations drawn up by the director of the Guardia.

16. It is understood that a new Nicaraguan military code is being drawn up, in which the rules concerning admissibility of evidence and other legal questions will be in conformity with Nicaraguan laws.

17. *Proyecto de Reformas a la Constitución*, Dictamen de la Mayoría, Dictamen de la Minoría, 1930, Cámara del Senado, 1930, p. 6.

18. Cf. p. 326.



of Sergeant Fernando Larios—a Nicaraguan—for the purpose of killing Trogler. These soldiers had signed with their blood a document in which they made bitter statements against the American occupation and President Moncada. Larios himself was reported disgruntled because he had been recommended for demotion by Trogler.<sup>19</sup> Following these disclosures Larios was arrested and taken to Ocotal.

On October 21 a second incident at Telpaneca occurred. At this time more native members of the Guardia suddenly disarmed two American lieutenants, Levonski and Rimes, who had replaced Trogler, and put them in jail. After looting the town, the Guardia members started with their booty and prisoners toward the Honduran border, shouting "Viva Sandino y Nicaragua," and "Mueran los Yankees." The two American lieutenants succeeded in escaping. Although the Guardia officials put a price upon the heads of the soldiers involved, only two were apprehended; the remainder made good their escape to Honduras.<sup>20</sup>

#### LARIOS BROUGHT BEFORE COURT-MARTIAL

In January 1930 Larios was brought before a court-martial in Managua, charged with the murder of Trogler, with instigating not only the mutiny against Trogler but also that against Levonski and Rimes, and with intimidation. The belief that a Nicaraguan would be tried and the death penalty imposed by American marine officers aroused bitter discussion among the people. In the Chamber of Deputies one member declared: "It is distressing that foreign judges should come to judge Nicaraguans for offenses committed in their own country." He added that the Guardia regulations, not having

been approved by Congress, did not have the force of law.<sup>21</sup> Another deputy moved that the provisions of the regulations, where they conflicted with the Constitution and laws of the country, be declared null. Another said that if the court-martial imposed the death penalty on Larios, Congress should grant an amnesty.<sup>22</sup>

On January 21 the Minister of Government personally appeared before the Chamber to answer these criticisms. He pointed out that the 1927 convention authorized the President to draw up the regulations; and declared that their legality should be decided by the Supreme Court and not by Congress.<sup>23</sup> The present offense was military and should be tried, he said, by a military tribunal. President Moncada also declared publicly that at this stage he would not intervene in the Larios case. The authority of the Guardia, he declared, should be respected. He did not think that "Sergeant Larios was in danger of death, and if the court-martial condemned him, then under the law, the Commander-in-Chief of the Guardia [Moncada] could approve or disapprove the sentence if it was for murder."<sup>24</sup>

In an effort to conciliate local opinion, the *Jefe Director* of the Guardia selected as members of the court-martial six Nicaraguan officers and one American, who acted as president. An American officer prosecuted the case. Larios, who was allowed to choose a civilian (instead of a military) counsel, selected for this purpose a leading Nicaraguan lawyer, Dr. Rosendo Argüello. During the course of the trial, *La Noticia* declared (January 26) that the proceedings were conducted "with a spirit of honor." The court-martial acquitted Larios of all charges except that of mutiny; for this he was sentenced to three years' imprisonment.

19. Apparently some of the soldiers had signed this document under duress.

20. For the attempted extradition in Honduras, cf. p. 340. The cause of this second mutiny was described by Lieutenant Levonski during the Larios court-martial as follows: "From their conversation on the trail I gather that their reasons for the mutiny were the new Guardia Regulations, which has a death penalty. . . . They also gave a reason that the men that Lieutenant Rimes was taking back to Ocotal were to be shot for the death of Lieutenant Trogler, and also as a protest against the American intervention in Nicaragua. They did not believe there was right or justice for three American officers to try Guardias by ordinary court-martial. They also talked about President Moncada, that he was nothing but a tool for the Americans. One Guardia by the name of Miranda expressed himself that the Americans could do whatever they wished with Moncada, telling him to sign any paper and he would sign it; they were all in favor of ex-President Zelaya."

21. Sr. Cajina, debates reported in *La Gaceta*, February 4, 1930, p. 226. It was contended that the imposition of the death penalty for an internal dispute was a violation of the Nicaraguan Constitution which allows such a penalty (Article 24) only in case of treason committed in a foreign war in the face of the enemy, and for the "atrocious crimes of assassination, parricide, and incendiarism or robbery resulting in death and under grave circumstances specified by law." In reply, it was alleged that Lieutenant Trogler was killed as a result of a concerted plot, which amounted to assassination. Moreover, the Nicaraguan military code, in force before the establishment of the Guardia, imposed the death penalty upon soldiers guilty of mutiny, insubordination, rebellion, and sedition.

22. *Ibid.*, p. 251.

23. *Ibid.*, p. 242. No case involving the status of the Guardia, however, has been brought before the Supreme Court.

24. *La Gaceta*, January 30, 1930, p. 1913.



## AMERICANS CRITICIZE LARIOS VERDICT

A number of Americans feel that Larios was guilty of the murder of Trogler and that he would have been convicted had the trial been fair; likewise they believe that for the offense of mutiny a heavier penalty should have been imposed. On the other hand, a number of Nicaraguans remain bitter over the fact that such a case should have been tried by a procedure which, if not unconstitutional, is foreign to the country and directed by American marines.<sup>25</sup>

Criticism of the Guardia may decline if the convention and regulations are amended so as to conform to the Nicaraguan Constitution. The fundamental difficulty, however, seems to arise out of the fact that what is supposedly a native institution is in complete control of foreign officers. Misunderstandings seem bound to arise between these officers and the local population because of differences in customs, psychology and language. While the American authorities saw nothing wrong in putting a price on the heads of the Guardia members who kidnapped Lieutenants Levonski and Rimes, a number of Nicaraguans regarded it as brutal. Some of them similarly viewed the exhibition in the streets of Matagalpa and elsewhere of the decapitated heads of bandits, killed by the Guardia.<sup>26</sup>

Moreover, the American personnel in the Guardia is subject to change every two years, so that officers cannot get the thorough knowledge of local conditions made possible by longer residence. Some of these

difficulties might have been avoided, had the officers to train the Guardia been chosen from Spanish-speaking countries. But whenever any group of outsiders, whatever their language, assume responsibility for the direction of a native institution, instead of acting merely as advisers, local criticism seems inevitable. It is probable that criticism will disappear only when Nicaraguans have been substituted for American officers.

Important as is the establishment of a well-disciplined police force for any country, such a force in itself will not necessarily insure stability or fair elections. Any military body must either take commands from the government in power, or become a law unto itself. If the Guardia remains subordinated to the civil power, the question of whether it will be used for partisan purposes will be decided by the civil government. If the Guardia becomes a law unto itself, the result will be military rule. During the 1930 revolution in Santo Domingo, the American-created guard<sup>27</sup> deserted the Vasquez government; and in the more recent revolutions in Peru and Argentina it was the army that turned against the government. Thus a well-organized constabulary itself may be the instrument of revolution. Nevertheless the establishment of a well-disciplined military works against anarchy and prevents the continuous and indecisive guerilla fighting which exists in disturbed countries lacking such a force. If the constabulary does take part in a revolution, however, the revolution is likely to be brief and decisive.

## PACIFICATION OF THE NORTH

Besides attempting to establish a disciplined and non-partisan military force, the United States in the Tipitapa agreements assumed responsibility in Nicaragua for disarming the country as a whole. As far as the

civil population was concerned, this task was soon carried out.<sup>28</sup> Legislation now provides that no one except certain officials may carry firearms without a permit from the Guardia; the same body has exclusive control over the importation and sale of arms and munitions.<sup>29</sup>

In the weeks following the Tipitapa agreements, the American authorities succeeded

25. Dr. F. C. Medina, an eighty-year old Nicaraguan and former Cabinet Minister wrote on February 5, 1930 that the Larios trial was unconstitutional; he added that the Guardia was an institution for "the debasement and slow destruction of the Nicaraguan people."

26. Cf. *Diario Moderno*, June 17, 1930, and *La Prensa* (San Salvador), July 13, 1930. In some cases at least, these heads were exhibited not by Guardia members but by natives who had been outraged by the bandits concerned. Orders were later issued prohibiting the exhibition of such heads, although some American officers believed the practice had a good moral effect.

27. Sumner Welles, *Naboth's Vineyard*, New York, Payson, 1928, Vol. II, p. 810.

28. Cf. p. 322.

29. Cf. law "Sobre portación de Armas Prohibidas," *La Gaceta*, April 19, 1930, p. 561; also Decree of May 20, 1929. *Memoria de la Gobernación*, 1929, p. 93.

in collecting the arms of the various armies, except in the case of one of the Liberal generals, Augusto C. Sandino, who declined to turn in his weapons.<sup>30</sup> Instead he retired with his men into northern Nicaragua and began raids upon ranchers and mines.<sup>31</sup> Confronted with an unexpected situation, President Diaz in June 1927 asked the United States to restore order in Nueva Segovia<sup>32</sup>—the territory in which Sandino made his headquarters. Shortly afterward, the American marines sent Sandino an ultimatum demanding his surrender by July 15. Sandino declined, declaring: "I want a free country or death." A few days later he attacked the marine garrison at Ocotal. Although greatly outnumbered, the marines finally forced Sandino to retreat. Nevertheless, he and his followers have continued their operations down to the present day despite the efforts of American marines to apprehend him.

#### SANDINO STRONGHOLD IN NUEVA SEGOVIA

The department of Nueva Segovia, north of the Tuma River, is comparatively uninhabited and uncultivated, but the bandits frequently raid rich coffee and cattle farms located in the Matagalpa and Jinotega area to the south. The booty thus secured is usually taken across the Honduras border where it is exchanged for arms and other materials. The bandits operate in roving bands, and usually they are supplied with first-class weapons.

While Sandino is the principal *Jefe*, other leaders, such as Altamirano, Blandón, Villagas, Salgado and Ortíz are equally well known. Each bandit leader operates in independence of the others; but it appears that they divide the country among themselves by agreements similar to those made by gangs in American cities. All recognize a nominal allegiance to Sandino, who goes through the forms of maintaining a government. He flies a red and black flag and his followers wear red and black hat-bands; further, he issues paper money and grants leaves to his soldiers. Sandino also has a seal which represents a Nicaraguan cutting

off the head of an American marine; underneath is the legend, "Patria et Libertad." He has a treasurer who visits plantations periodically, levying requisitions. While the bandits have not, according to some observers, committed outrages upon those who pay their contributions, they impose terrible penalties upon captured enemies. For a time these enemies were executed by the *chaleco*, the cutting of a triangle in the body followed by disembowling, but now *el cumbo*, a kind of scalping of the victim before he is executed, is followed.

Between May 1927 and June 1929 Sandino remained in Nicaragua. During this period he seems to have received support from friends in foreign countries and he was reported to have associated himself with the Communist party—a report that was denied.<sup>33</sup> In June 1929 Sandino left Nicaragua for Mexico where he remained for about a year. He then returned and attempted to unite the bandit forces so as to make a spectacular demonstration against the United States, but his forces were routed at Saraguasca Hill by a marine bombing force.

#### TERRAIN FAVORS BANDIT GROUPS

In combatting these bandit groups, the American marines and the Guardia Nacional have not been able to utilize the customary methods of warfare because of the terrain and the nature of the enemy. Fighting takes the form of guerrilla warfare in which the American and Guardia patrols—invariably taking the offensive—scour the country to establish "contacts" with bandit bands. At present the patrolling is done by the Guardia; each patrol usually consists of an American officer and twenty-five to fifty Nicaraguan privates.

An idea of the method of warfare may be gained from the following extract from a recent contact report:

"On crossing the Esteli River. . . five men were seen riding swiftly away from a house on the east bank of the river. The patrol crossed the river, moved about a thousand yards due east, dismounted and moved across the cultivated land to the right. . . At about eleven a.m. the enemy was sighted in a corn field at a range of about

30. In a letter of May 9, 1927 he promised to do so, but later changed his mind. (*A Brief History*, cited, p. 54.)

31. *Dollars for Bullets*, cited, p. 314.

32. *Report of the Collector General of Customs*, 1928, p. 12.

33. Cf. the letter of Pedro José Zepeda, Sandino's representative in Mexico City, *El Universal*, May 3, 1930.

four hundred yards. The patrol opened fire with rifles and the two Browning automatic rifles. . . The firing lasted about fifteen minutes and all members of the patrol were involved . . . The bandits returned our fire as they departed but no bullets were observed to strike close to any members of the patrol. . . There were no Guardia or Marine casualties. . . Lt. M—— with eleven members of the patrol found the well-hidden camp. Three mules fully equipped and one horse without equipment were captured, also several blankets, a considerable quantity of civilian clothing, two red and black hatbands, a camera, and various miscellaneous articles. . .”

The work of these patrols has been assisted by a highly organized marine aviation unit. Marine planes carry on reconnaissance missions; they bring sick and wounded into the Managua hospital; they drop food, pay and supplies to units in inaccessible locations; they bomb bandit strongholds whenever they can be discovered.<sup>34</sup>

In these contacts the government casualties have been much fewer than those of the bandits.<sup>35</sup> Nevertheless, since the war against Sandino started in May 1927 about a hundred marines have lost their lives, thirty-nine being killed in action.<sup>36</sup>

#### WHO IS A BANDIT?

The government forces have experienced great difficulty in determining when a native is a bandit. The only obvious test is whether he is illegally carrying arms. There have been cases where a whole group of men whom the Americans were sure were bandits would hide their arms upon the approach of the marines and feign work in the fields. Under the circumstances, the marines could not capture them. On the other hand, non-combatant natives living in the bandit area suffer inevitably from guerilla fighting, while the wealthy plantation owners in the Matagalpa area live in a state of constant uneasiness. These ranchers have asked repeatedly to have marine units stationed on their property, and in some cases this re-

quest has been granted. Marine authorities have sometimes found, however, that ranchers tell their workers that the marines are there to see that they labor properly.<sup>37</sup> Foreign property owners also have made excessive claims for alleged damages done by bandits. In order to establish a close check, the Guardia is now taking photographs of all ranch property in the bandit area.

In an attempt to give the military authorities a free hand, the Nicaraguan Congress has from time to time declared martial law in the bandit area.<sup>38</sup> Moreover, at one time the authorities attempted to concentrate the inhabitants of certain areas into cities, leaving the remainder of the country free for military activities. Thus the American Commandant of the Guardia at Ocotal on May 17, 1930 issued a proclamation that since the Segovias were under martial law, all the civilian population living in a certain area must move, with their property, by June 1 to one of half a dozen stipulated villages. Anyone residing elsewhere after that date was to be considered a bandit. On May 23, 1930 the *Jefe Político* of Jinotega (a Nicaraguan official) issued a similar order concentrating the population between the Tuma and Bijao Rivers. This order evoked the signed protest of about forty-five inhabitants who declared that, while out of loyalty to the government they were obeying the order, “to deprive us of our homes is to deprive us of all means of subsistence. We are farmers . . . and it is the season for planting cereals, but this will soon be lost, causing misery. Actually we are camping in the roads, subject to inclement weather and without any shelter; our children ask us for bread but we cannot give it to them. It is a disturbing spectacle; the sick remain and only the rain pays attention to their pains. In view of the crisis which now exists, there is no work, and if there was, the price of 20 cents a day would not be sufficient to sustain our families. In losing our properties the country also suffers, because we contribute to the national wealth.” They implored the *Jefe Político* and the American officer in command of the Guardia to end the

34. There is no truth in the report published in the press in the summer of 1930 that the marine planes used poison gas against the bandits. The marines have not brought any poison gas to Nicaragua. The use of poison gas is not taught at Leavenworth, the Army and Navy War Colleges, or other training institutions of the United States.

In July 1930 two marine planes crashed, involving a loss to the United States government of \$50,000 in each case.

35. Cf. p. 339.

36. The latter were posthumously awarded the Nicaraguan Medal of Merit by President Moncada. (*New York Times*, October 14, 1930.)

37. Cf. p. 341.

38. Cf. *La Gaceta*, March 21, 1930, p. 530. A decree of July 8, 1930 suspended the state of siege in order that the constitutional guarantees might be enforced during the coming election campaign. (*La Gaceta*, July 11, 1930, p. 1201.)

concentration policy as soon as possible. Whether or not because of this protest, the policy was soon abandoned.<sup>39</sup>

#### UNITED STATES SEEKS TERMS WITH SANDINO

At least once during the campaign the American authorities attempted to negotiate a settlement with Sandino. On December 4, 1928 General Logan Feland, in command of the American forces in Nicaragua, wrote to Sandino saying that if he wished to end the struggle, all he had to do was to communicate with the nearest garrison of marines. A conference could then be arranged to discuss conditions.

At the same time Rear Admiral Sellers wrote that although every previous effort to communicate had failed, he once more appealed to Sandino's patriotism to know if it were possible to terminate armed resistance. The elections had been held, he declared, and they had been free. The United States had thus shown its sincerity in carrying out the Tipitapa agreement.<sup>40</sup> On January 1 Sandino replied that patriotism obliged him to refuse absolutely to recognize the interference of the United States in the internal affairs of Nicaragua. He declared that he could enter into conversations only with President Moncada concerning the pacification of the country, and that the first requirement of any agreement with Moncada must be the withdrawal of the American forces. Upon the acceptance of this basis, the United States was to evacuate the four departments of the north, leaving them in the hands of the Nicaraguan civil and military authorities, but "no North American officer or subaltern should remain." Sandino sent a copy of this letter, written at his headquarters at El Chipote, to President Moncada with whom he proposed a conference. The conditions were not acceptable and the conference was not held.

Later Sandino is reported to have proposed a peace agreement under which Nicaragua would be divided into two sections: one, the republic proper under Mon-

cada; the other, Nueva Segovia under himself.<sup>41</sup>

Sandino has a surprisingly small popular following in the cities of Nicaragua in comparison to that which he enjoys in other Central American countries. This may be due in part to the severity with which the government deals with persons alleged to be aiding Sandino. Nevertheless, even extreme nationalists who believe Sandino sincere in his professions of patriotism declare that he is foolish to resist the strength of the United States and to keep the country in turmoil. The views of the Conservatives were recently stated by *La Prensa*, which declared, following the return of Sandino to Nicaragua: "For us the presence of Sandino in the Segovias means destruction, assassination, robbery, and arson . . . . It is a sad truth that the Sandino tragedy enslaves in place of liberating us, destroys instead of regenerates."<sup>42</sup>

At first the United States did not take Sandino seriously.<sup>43</sup> It continued to withdraw marines from the country, only 1,200 remaining in western Nicaragua in August 1927. Nevertheless, Sandino's raids grew to such proportions that the Navy Department ordered the return of the marines, the number of enlisted men increasing from 2,672 in January 1928 to 5,389 in the following July.<sup>44</sup> This latter force was not successful, however, in stamping out banditry, and in April 1929 the policy was adopted of gradually transferring this responsibility from the marine corps to the Guardia Nacional, composed of native soldiers, but having American officers.

#### GUARDIA INTENSIFIES BANDIT CAMPAIGN

Within recent months the Guardia has displayed remarkable energy in its bandit campaign. Between January 1 and Sep-

41. For Moncada's statement, cf. *La Gaceta*, January 15, 1930. Recently Dr. Zepeda, Sandino's agent in Mexico City, wrote to the Presidents of the four other Central American republics asking if they had any ideas as to how the military occupation of Nicaragua, which "injured" all of Central America, could be terminated. (*La Noticia*, September 23, 1930.)

42. "Sangrienta Farsa," *La Prensa*, May 21, 1930. For President Moncada's charges that certain Conservatives were aiding Sandino, cf. p. 329.

43. Thus Mr. H. L. Stimson wrote in 1927: "The banditry and violence which at the time of my visit in May we feared would for many months be an inevitable sequel of the war have quieted down and disappeared with surprising rapidity." (*American Policy in Nicaragua*, cited, p. 120.)

44. *Report of the Collector General*, 1928, p. 13, 14. For the present status of the marines, cf. p. 342.

39. The *voluntarios* had concentrated about 1,200 women and children in Yali the year before. About 200 of these had died from lack of food and exposure.

40. These letters were published in *La Estrella de Panamá*, of January 16, 1929, being reprinted from *El Sol* of Tegucigalpa.



tember 15, 1930 it engaged in eighty-five contacts. During these contacts the bandits suffered 284 casualties, of which 126 were deaths. The Guardia also captured eighty-four weapons, 896 rounds of ammunition, thirty-two dynamite bombs and various other articles, while it destroyed thirty-four bandit camps, including Sandino's camp at Saraguasca, and Pedron Altamirano's camp at Guapinol. The Guardia reported that among the bandits wounded were the two leaders, Augusto C. Sandino and Pedron Altamirano. In September 1930 a number of lesser bandit chiefs, including seventy bandits, turned in their arms at Jinotega and requested amnesty.<sup>45</sup> These bandits declared that they had been operating without food in many cases, and that their supply of ammunition was so limited that those who were armed with rifles carried only four or five rounds each. Because of the activities of the Guardia, they declared further, they had been living in a state of constant fear. They asserted, moreover, that Sandino had failed to provide them with any arms or ammunition, or to pay them any wages.

It is possible that as a result of these efforts, organized banditry may soon be destroyed. Nevertheless, the United States, whether through the marine corps or

through its command of the Guardia Nacional, has been carrying on a campaign for more than three years, the result of which is not yet decisive, despite the fact that at one time the marines numbered 5,000. Opinions differ as to whether banditry existed in northern Nicaragua before the 1927 intervention, but the belief is widespread that banditry never before has existed so long and that the reason for its persistence is partly political.<sup>46</sup> Moreover, following the surrender of a thousand or so bandits in return for amnesty at the very beginning of the campaign, the number of bandits in Nicaragua has never exceeded five hundred.<sup>47</sup>

Despite recent successes of the Guardia, many Nicaraguans, especially those living in the Matagalpa and Jinotega areas, will not admit that banditry has decreased. Their feelings were expressed on January 23, 1930 by a deputy from Jinotega, Dr. G. A. Noguera, who declared that a "horrible situation" existed and that the bandits might even appear at the doors of Managua. In August another resident of Jinotega wrote that in Jinotega "all is paralyzed and industries are dying. Of what use are its fertile and productive mountains, if every effort of the agriculturist and farm-hand is cut down by the devastating and terrible hand of banditry and pillage...?"<sup>48</sup>

### THREE REASONS GIVEN FOR FAILURE OF CAMPAIGN

For the failure to capture Sandino or the other bandit leaders and to stamp out banditry, three reasons are given: the first, military; the second, political; and the third, economic.

#### MILITARY

The country in which the marines and Guardia have been fighting is almost impenetrable. Except for bull-cart trails, there are no roads, and the country is covered with thick brush. Sandino has been

close enough to American units, without detection, to photograph them, later sending prints to headquarters with his compliments. American soldiers cannot have the same knowledge of the country as the bandit leaders; and it is difficult for them, because of a higher standard of living, to accustom themselves to the privations with which Nicaraguans are familiar. Food and water are difficult to obtain, and soldiers must sleep in mud and rain, tormented by insects. The report of the Secretary of Navy for 1928 declared that nearly all of the field duty of the marines has been performed "at a distance greater than 100 miles from modern communications. Their

45. Guardia News Letter No. 13, Managua.

46. Cf. p. 340, 341.

47. In August 1930 the Guardia captured the headquarters of Pedron Altamirano, including his muster-roll which carried 135 names. A few days later they captured the muster-roll of Villégas, carrying thirty-five names. The forces of Pedro Blañón and of Ortíz are reported at seventy or eighty men each, making a total of about 330 men.

48. Cf. *Diario Moderno*, No. 5572; and P. Palma, "La desastrosa situación de Jinotega," *La Noticia*, August 17, 1930.

supply problem has been more difficult than that of any similarly sized organization of American troops in the past forty years. Ninety per cent of the area over which they have been operating is a swampy or mountainous, tropical jungle, traversed only by a few unimproved trails and bull-cart roads."<sup>49</sup>

Some marines believe that even though 10,000 American soldiers were sent to the Segovias, it would be impossible to stamp out banditry by military means, because of the ease with which natives familiar with the territory may evade their pursuers. American troops in Nicaragua apparently have experienced the same difficulties which confronted General Pershing in his pursuit of Villa in Mexico in 1916.<sup>50</sup>

#### POLITICAL

The bandits have been able to carry out their activities because of the support of inhabitants in the bandit area. In some cases, these natives have protected the bandits because of intimidation; in other cases, because of hostility to the American occupation or for profit. In a public communication last year the Nicaraguan government accused half a dozen concerns in Nicaragua and Honduras of buying gold, skins, cattle, coffee and other plunder from the bandits.<sup>51</sup> The government also has accused Nicaraguan Conservatives and others of secretly supplying Sandino with arms.

It is the custom of the bandits to sell much of their plunder in Honduras—the town of Danli seems to be the clearing house for their transactions—in exchange for arms and munitions which are smuggled from the east coast of Honduras. The government of Honduras has attempted to stop this traffic, but largely because of the sympathy of the Honduran people for Sandino, whom they regard as a great Central American patriot, the effort has been unsuccessful. Thus, when President Mejía Colíndrez in June 1929 declared martial law along the Honduras-Nicaragua border, such resentment was caused that

Congress in retaliation reduced the size of the Honduras army. The sentiment of the Honduran people toward the American occupation of Nicaragua was also seen in the case of the Nicaraguan guard members who deserted in connection with the mutiny against Lieutenants Levonski and Rimes.<sup>52</sup> These deserters came to Tegucigalpa where their extradition was requested by the Nicaraguan government for the offense of "robbery."<sup>53</sup> The Supreme Court granted this request, but the public protest was so great that the prisoners were allowed to "escape." Ill-will in Honduras toward the American occupation of Nicaragua has been increased by the bombing of villages along the Honduran frontier by marine planes.<sup>54</sup>

#### Hondureans

##### Support Sandino

If the common population of Nicaragua and Honduras did not believe that the fighting in Nicaragua was between so-called "patriots" and the United States, but was merely what the American government represents it to be—a campaign against "common outlaws"<sup>55</sup>—the problem of the suppression of banditry would be much easier. A number of observers believe that the United States made a mistake in assuming responsibility for the suppression of banditry; it is argued that had responsibility been assumed by the Nicaraguan government, this anti-American basis for the banditry movement would have been removed.<sup>56</sup>

Apparently President Moncada inclined to this view. In January 1929<sup>57</sup> he asked

52. Cf. p. 334.

53. The extradition treaty between Nicaragua and Honduras does not permit extradition for political offenses; the Nicaraguan authorities in asking extradition for robbery, in effect promised to try the deserters only for this offense.

54. In some cases it was alleged that this bombing took place in territory the jurisdiction over which was disputed between Honduras and Nicaragua.

55. Secretary Kellogg to the president of the American Federation of Labor, letter of July 18, 1927. (*A Brief History*, cited, p. 59.)

56. An analogy may be found in the case of General Villa of Mexico, who, in defiance of the Carranza government, raided American towns along the Mexican border. In March 1916 President Wilson ordered General Pershing to capture Villa. The Carranza government refused, however, to lend any assistance to the expedition, and Pershing withdrew on February 5, 1917 without having attained his objective.

57. *La Gaceta*, April 26, 1929, p. 704.

49. *Annual Report of the Navy Department*, 1928, p. 67.

50. Cf. footnote 56.

51. Cf. *La Gaceta*, March 4, 1929.

the United States for authority to create an army of *voluntarios*, composed of Nicaraguan men and officers supposedly more familiar with conditions of fighting than Americans. About 300 men were recruited under Generals Esquimilla (a Mexican), Plata (a Honduran), and two Nicaraguans. This army as a whole remained under American command, and it was dissolved after five or six months' campaigning, having expended about \$65,000. It is generally agreed that the *voluntarios* committed a number of abuses upon innocent people, and Americans assert that they were not effective fighters, having a tendency to rely upon the marines for support instead of standing on their own feet. Nicaraguans, on the other hand, assert that if the American officers attached to the *voluntarios* had given the local generals a free hand, the bandits would soon have been exterminated. They insist that it was the campaigning of the *voluntarios* that led Sandino to leave Nicaragua in June 1929.

#### Nicaragua Assumes Larger Responsibility

Despite the failure of the *voluntarios*, a further step in the direction of Nicaraguan responsibility was taken when the American marine patrols were withdrawn from the bandit areas in favor of Guardia patrols, composed of native soldiers and American officers. The new energy now directed against the bandits supports the contention, according to some observers, that the Nicaraguan government and the Nicaraguan soldiers are better equipped, both politically and technically, to handle these bandits than are the American government and soldiers. Nevertheless, public opinion in Nicaragua and Honduras still regards the anti-bandit campaign as being in American hands because the officers directing the Guardia are American.

There are some Nicaraguans who believe that the United States does not wish to exterminate banditry, so as to have a pretext for indefinite occupation. Little support for this view will be found among members of the United States Marine Corps stationed in Nicaragua. On the contrary, some officers in the corps are outspoken in

stating that they do not think the marines have any business in Nicaragua at this time.

#### ECONOMIC

Banditry would long since have disappeared in the Segovias, according to others, if a vigorous policy of economic development in this area had been followed. It is declared that the bandits for the most part are not a professional criminal class but natives who, finding no other source of employment, temporarily join a bandit leader. Moreover, some of the "bandits" are said to be laborers who have deserted from coffee farms in the Matagalpa area where they have been held to work off debts. It is also the practice for men with impoverished families to disappear for a few months and then return with food. Supposedly, they have spent the interval in raiding. There are no road communications between the Segovias and the outside world; it is therefore impossible for the inhabitants to produce crops for the commercial market. The Nicaraguan government has not supplied this area with schools, roads or hospitals; it is said that it has merely collected taxes from a people who are already poverty-stricken. Under these conditions, a leader such as Sandino does not find it difficult to attract a following.

A vivid demonstration of the thesis that banditry is an economic problem was made by Captain A. T. Lewis of the marine corps in the summer of 1929. At that time he was ordered to Yali, where a large number of the women and children of supposedly bandit families had been concentrated. After winning the friendship of these families, he announced that he would give employment and protection to any bandit who would lay down his arms. Within a few weeks 125 men had accepted and they were put to work building roads at 50 cents a day. Some of these men actually supported twenty or thirty persons upon this sum. Captain Lewis' experiences lead a number of observers to believe that banditry would long since have disappeared had the United States government three years ago used its funds to construct a good road between Matagalpa and Ocotal. They feel further that banditry will not disappear until some such policy is adopted. Thus the

1929 report of the American Collector General states: "It is evident that banditry cannot be completely stamped out of the country within any reasonable time. That will only be accomplished with the opening-up of the country by good roads and the general advance of civilization."<sup>58</sup>

#### AMERICAN MARINES BEING WITHDRAWN

With the development of the Guardia Nacional, the American marines are gradually being withdrawn from Nicaragua. In April 1929 the strength of the brigade was 205 officers and 3,400 enlisted men; by October it numbered 151 officers and 1,528 enlisted men. In the summer of 1930 further withdrawals were ordered, bringing the marine forces to forty-eight officers and 708 men, exclusive of the aviation unit. About half of these men are stationed in the Campo del Marte in Managua; the remainder are in the northern departments, backing up the Guardia Nacional. The marine brigade is under the command of a Colonel who is responsible to the Admiral commanding the Special Service Squadron of the United States Navy, the headquarters of which are in Panama. Opinions differ whether or not it would be safe to withdraw the remainder of the marines in the near future. There are some American officers who believe that the Guardia Nacional would be strong enough to maintain order, provided its numbers were increased in proportion to the number of marines withdrawn. Others believe that while the marines in the north should be evacuated, a legation guard containing perhaps 500 men should remain indefinitely.<sup>59</sup>

The quartering of American troops upon foreign soil is of course abnormal. The visitor to Managua will see the American flag flying over the Campo del Marte, and marine orderlies guarding the American legation. Likewise he will hear the marine band play, and watch marine detachments or marine trucks move down the streets. Foreign troops bring money into the country in the same sense that tourists do. At the height of the Occupation it is estimated that the marines

expended \$250,000 a month,<sup>60</sup> and that during the last three years they have expended a total of \$8,000,000. These expenditures brought an artificial prosperity to the country.

#### OCCUPATION CAUSES IRRITATION

Against this material gain may be set the irritations which any occupation inevitably causes. While it is probable that American marines on the whole are as well behaved as any body of men, incidents have occurred between marines and natives which have created feeling. Admittedly, blame for these affairs has not been all on one side. The incident that perhaps caused the greatest stir was the desecration of the Managua cemetery in June 1929, where wholesale acts of vandalism were committed one evening in which crosses and angels mounted on tombstones were overturned. It was charged that these acts were committed by American marines and Nicaraguan women of ill-repute.<sup>61</sup> The incident threw Managua into a furor; and the next day President Moncada stated that if the marines had committed the offense they should be punished, but he wished proofs. General Williams, the Brigade Commander, declared that he could not believe that the marines could have committed organized acts of vandalism. He nevertheless ordered an investigation. On June 12 the American Minister and a marine detachment placed wreaths on the graves that had been desecrated. While President Moncada expressed the opinion that these acts had been committed by enemies of the United States, and while a naval court of inquiry found that there was no foundation for the charges, many Nicaraguans interpreted the placing of wreaths upon the graves as an admission that the marines were guilty.

Other incidents have occurred recently. Thus on August 4, 1930 an American soldier was charged with stopping a car of a well-

58. *Report of the Collector General of Customs, 1929*, p. 8. During the American occupation of Haiti and Santo Domingo it will be recalled that roads were built extensively.

59. Cf. *Ibid.*, p. 9.

60. *Ibid.*, 1928, p. 47. Between May 4, 1927 and April 16, 1928 the additional cost to the United States of maintaining the marines in Nicaragua was \$1,495,850. ("Operations of the Naval Service in Nicaragua," Senate Document No. 86, 70th Congress, 1st Session.)

61. *La Noticia*, June 7, 1929. For early incidents, cf. *Dollars for Bullets*, cited, p. 182.

62. *Diario Moderno*, August 5, 1930; *La Prensa*, August 5, 1930. For another incident, cf. *La Noticia*, April 2 and 16, 1930.



known Nicaraguan family upon the outskirts of Nicaragua and searching it for money.<sup>63</sup> Upon the same day an Italian reported that a marine had forcibly taken away his bicycle. A few days later American marines who were officers in the Guardia Nacional were accused of attacking an Italian in his house in the city of Rivas because he refused to allow his daughter to marry a marine without first looking into his antecedents, and of removing the daughter by force.<sup>64</sup> Following this incident, the Nicaraguan government requested the immediate removal of the four marines involved.<sup>65</sup> Such incidents are of course exceptional. Nevertheless, they inevitably occur during military

occupations; and while the Occupation as a whole reproves such acts as much as the Nicaraguans, they have created more ill-will than has any clash over fundamental principles underlying the intervention.

Such are some of the problems which have arisen in connection with the fulfillment of the Tipitapa agreements by the United States, in so far as the organization of the Guardia Nacional and the pacification of the country are concerned. The third responsibility of the United States arising out of these agreements—the supervision of elections, as well as certain conclusions concerning American policy generally—will be discussed in a later report.

63. Captain Nichols claimed he had an order from the local judge to remove the daughter, but this was formally denied. (*La Noticia*, August 12, 1930.)

64. *La Noticia*, August 14, 1930. Instead, the officers were merely transferred, one resigning rather than take a new post. (*Ibid.*, August 23, 1930.)

